

multiplier, and if we are to continue on a downward path in funding our Nation's armed services, then we need to take every step to ensure that our intelligence capabilities are sufficient to provide policy makers with the information then need to make key decisions affecting national security. The conference report before us today provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet tomorrow's contingencies.

Mr. Speaker, debate over the appropriate levels of funding for intelligence activities does not always emphasize the important role of intelligence in achieving a full accounting of members of the armed services who are lost in battle. I want to ensure my colleagues, veterans and the families of the military personnel whose fate remains undetermined that this conference agreement provides the necessary resources to permit the intelligence community to continue to assist in efforts to determine the fate of those listed as missing in action. I have not forgotten you, the Congress has not forgotten you and this legislation will assist in helping to bring you home.

Mr. Speaker, let me again thank the leadership of the House and Senate intelligence committees for their work in fashioning a bill that provides critical support to all facets of our intelligence community. The military and civilian components of our intelligence apparatus are sufficiently provided for in this agreement so that they may continue to assist in providing force protection intelligence to our troops called upon to conduct noncombatant evacuations when the lives of Americans are threatened overseas. Additionally, resources are authorized that permit the intelligence community to sustain its efforts to assist in the collection and analysis of critical intelligence bearing on such difficult and challenging issues as counterterrorism, counternarcotics and counterproliferation.

I urge my colleagues to support this measure and in doing so support the men and women of the U.S. intelligence community.

Mr. GOSS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The Speaker pro tempore (Mr. LAHOOD).

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 385, nays 36, not voting 12, as follows:

[Roll No. 607]

YEAS—385

Abercrombie	Archer	Baldacci
Ackerman	Armey	Ballenger
Aderholt	Bachus	Barcia
Allen	Baesler	Barr
Andrews	Baker	Barrett (NE)

Barrett (WI)	Foglietta	Lewis (KY)
Bartlett	Foley	Linder
Barton	Forbes	Lipinski
Bass	Ford	Livingston
Bateman	Fossella	LoBiondo
Bentsen	Fowler	Lowey
Bereuter	Fox	Lucas
Berman	Franks (NJ)	Luther
Berry	Frelinghuysen	Maloney (CT)
Billbray	Frost	Maloney (NY)
Bilirakis	Galleghy	Manton
Bishop	Ganske	Manzullo
Blagojevich	Gejdenson	Martinez
Bliley	Gekas	Mascara
Blumenauer	Gephardt	Matsui
Blunt	Gibbons	McCarthy (MO)
Boehlert	Gilchrist	McCarthy (NY)
Boehner	Gillmor	McCollum
Bonilla	Gilman	McCrery
Bono	Goode	McHale
Borski	Goodlatte	McHugh
Boswell	Goodling	McInnis
Boucher	Gordon	McIntosh
Boyd	Goss	McIntyre
Brady	Graham	McKeon
Brown (CA)	Granger	McNulty
Brown (FL)	Green	Meehan
Brown (OH)	Greenwood	Meek
Bryant	Gutknecht	Menendez
Bunning	Hall (OH)	Metcalf
Burr	Hall (TX)	Mica
Burton	Hamilton	Millender-
Buyer	Hansen	McDonald
Callahan	Harman	Miller (FL)
Calvert	Hastert	Mink
Campbell	Hastings (FL)	Moakley
Canady	Hastings (WA)	Mollohan
Cannon	Hayworth	Moran (KS)
Cardin	Hefley	Moran (VA)
Carson	Hefner	Morella
Castle	Herger	Murtha
Chabot	Hill	Myrick
Chambliss	Hilleary	Nadler
Christensen	Hilliard	Nethercutt
Clay	Hinojosa	Neumann
Clayton	Hobson	Ney
Clement	Hoekstra	Northup
Clyburn	Holden	Norwood
Coble	Hooley	Nussle
Coburn	Horn	Obey
Collins	Hostettler	Ortiz
Combest	Houghton	Oxley
Condit	Hoyer	Packard
Cook	Hulshof	Pallone
Costello	Hunter	Pappas
Cox	Hutchinson	Parker
Coyne	Hyde	Pascrell
Cramer	Inglis	Pastor
Crane	Istook	Paxon
Crapo	Jackson-Lee	Pease
Cummings	(TX)	Pelosi
Cunningham	Jefferson	Peterson (MN)
Danner	Jenkins	Peterson (PA)
Davis (FL)	John	Petri
Davis (VA)	Johnson (CT)	Pickering
Deal	Johnson (WI)	Pickett
DeGette	Johnson, E. B.	Pitts
DeLauro	Jones	Pombo
DeLay	Kanjorski	Pomeroy
Deutsch	Kaptur	Porter
Diaz-Balart	Kasich	Portman
Dickey	Kelly	Poshard
Dicks	Kennedy (MA)	Price (NC)
Dingell	Kennedy (RI)	Pryce (OH)
Dixon	Kennelly	Quinn
Doggett	Kildee	Radanovich
Dooley	Kilpatrick	Rahall
Doolittle	Kim	Ramstad
Doyle	Kind (WI)	Rangel
Dreier	King (NY)	Redmond
Dunn	Kingston	Regula
Edwards	Kleczka	Reyes
Ehlers	Klink	Riggs
Ehrlich	Klug	Rivers
Emerson	Knollenberg	Rodriguez
Engel	Kolbe	Roemer
English	Kucinich	Rogan
Ensign	LaFalce	Rogers
Eshoo	LaHood	Rohrabacher
Etheridge	Lampson	Ros-Lehtinen
Evans	Lantos	Rothman
Everett	Largent	Roukema
Ewing	Latham	Roybal-Allard
Farr	LaTourette	Royce
Fattah	Lazio	Ryun
Fawell	Leach	Sabo
Fazio	Levin	Salmon
Flake	Lewis (CA)	Sanchez
	Lewis (GA)	Sandlin

Sanford	Smith, Adam	Thurman
Sawyer	Smith, Linda	Tiahrt
Saxton	Snowbarger	Towns
Scarborough	Snyder	Trafficant
Schaefer, Dan	Solomon	Turner
Schaffer, Bob	Souder	Upton
Schumer	Spence	Visclosky
Scott	Spratt	Walsh
Sensenbrenner	Stabenow	Wamp
Sessions	Stearns	Watkins
Shadegg	Stenholm	Watts (OK)
Shaw	Strickland	Waxman
Shays	Stump	Weldon (FL)
Sherman	Stupak	Weldon (PA)
Shimkus	Sununu	Weller
Shuster	Talent	Wexler
Sisisky	Tanner	Weygand
Skaggs	Tauscher	White
Skeen	Tauzin	Whitfield
Skelton	Taylor (MS)	Wicker
Slaughter	Taylor (NC)	Wise
Smith (MI)	Thomas	Wolf
Smith (NJ)	Thompson	Wynn
Smith (OR)	Thornberry	Young (AK)
Smith (TX)	Thune	Young (FL)

NAYS—36

Becerra	Gutierrez	Paul
Bonior	Hinchey	Payne
Camp	Jackson (IL)	Rush
Chenoweth	Lofgren	Sanders
Conyers	McDermott	Serrano
Davis (IL)	McGovern	Tierney
DeFazio	McKinney	Torres
Dellums	Miller (CA)	Velazquez
Duncan	Minge	Vento
Filner	Oberstar	Waters
Frank (MA)	Olver	Watt (NC)
Furse	Owens	Woolsey

NOT VOTING—12

Cooksey	Markey	Schiff
Cubin	McDade	Stark
Gonzalez	Neal	Stokes
Johnson, Sam	Riley	Yates

□ 1050

Messrs. DEFAZIO, OBERSTAR, VENTO, and RUSH changed their vote from "yea" to "nay."

Mr. BARR of Georgia and Mr. STUPAK changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on S. 858 just agreed to.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT REGARDING SUSPENSIONS TO BE CONSIDERED TODAY

Mr. GOSS. Mr. Speaker, pursuant to House Resolution 305, I rise to announce the following suspensions to be considered today: H.R. 2534, H. Res. 122, H.R. 2614, S. 813, S. 1139, S. 714, H.R. 2513, S. 1377, and H.R. 2813.

CHARTER SCHOOLS AMENDMENTS ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2616.

□ 1053

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, November 4, 1997, the amendment printed in the House Report 105-357 offered by the gentleman from California [Mr. RIGGS], as modified, had been disposed of.

Are there further amendments to the bill?

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman I am very pleased that we can be returning to work in the House on bipartisan legislation that I have coauthored and cosponsored with my good friend and colleague, the gentleman from Indiana [Mr. ROEMER].

Before we begin the amendment process, I would like to remind my colleagues that this legislation, the community-designed Charter Schools Amendments Act, is designed to, first of all, carefully direct new money, any increase in Federal taxpayer spending for the startup and creation of more charter schools, to those States that provide flexibility in three key areas.

We might describe these States as those States that have strong laws on the books embracing the idea of public school choice and putting resources into expanding charter schools in order to give parents and guardians, the ultimate consumers of education, more choices in selecting the education that is appropriate for their child.

Federal taxpayer funding for charter schools is increasing dramatically. In fact, in this bill the gentleman from Indiana [Mr. ROEMER] and I propose authorization of the President's budget request to double taxpayer funding from \$51 million in the last fiscal year to \$100 million in this fiscal year for the startup and creation of more charter schools, helping us to move toward the goal of 3,000 charter schools nationally, as the President has espoused on several occasions.

Mr. Chairman, I am sure all these ongoing discussions on the floor are related to the charter schools legislation.

Mr. Chairman, as I was about to say, we direct the new money to those States that, first of all, provide a high degree of fiscal autonomy to charter schools, States that allow for increase in the number of charter schools from year to year over the life of this legislation, and lastly, States that provide for strong, high academic accountabil-

ity in the contract between the charter school and the chartering authority.

This is a program, Mr. Chairman, that has grown from \$6 million of Federal taxpayer funding in 1995 to \$51 million in the fiscal year just completed to, we hope, approximately \$100 million in this current fiscal year just begun. There are currently over 700 charter schools operating in the 29 States, plus the District of Columbia and the Commonwealth of Puerto Rico, that have charter school laws on the books.

This legislation also assures that 95 percent of the Federal taxpayer funding for charter schools will go to the State and local level, and only 5 percent will be kept behind here in Washington for ongoing research and evaluation as to the efficacy of charter schools, and for other national activities conducted by the Department of Education.

Lastly, the legislation directs the Secretary to work with the States to ensure that charter schools receive their fair share of proportionate, that is to say, per pupil, Federal categorical aid for education, such as title I and special education funding.

Some local educational agencies have been rather lukewarm toward the idea of charter schools, and in some cases we learned through our committee hearing process, and in the testimony on our legislation, the charter schools in those communities have not been receiving their fair share of Federal education dollars.

Mr. Chairman, I am happy to bring this legislation back to the floor.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Indiana, my coauthor and cosponsor on the bill.

Mr. ROEMER. Mr. Chairman, I just want to take this time to remind my colleagues that this is bipartisan legislation. It has been a pleasure working with my good friend, the gentleman from California [Mr. RIGGS] on this very important legislation.

We have spent the last couple of days talking about foreign policy, talking about United States-China relations. It is important that we discuss how we boldly reform public education in America today.

This legislation is strongly supported by the President. President Clinton has been a strong advocate of charter schools. This came out of our committee, the Committee on Education and the Work Force, with 10 Democrats voting for it, 8 opposed to it.

This legislation is about public school choice, so our parents can send their children to good public schools, charter schools, alternative schools, magnet schools, and give them more choices and create more competition in the public school system. It is about schools that function with less bureaucracy and with less strings attached. It is about schools that try bold ideas with respect to curriculum and school days and partnerships with

businesses and apprenticeship programs.

□ 1100

This is a very, very good bill. It is not the panacea, Mr. Chairman. It is not the silver bullet to solve all educational problems in America today. But it is certainly an arrow in the quiver. It is certainly one of the options to help us move forward and, in a bipartisan way, solve education problems.

So with that, I again thank the gentleman from California [Mr. RIGGS] and look forward to the debate today.

The CHAIRMAN (Mr. SNOWBARGER). Are there further amendments?

AMENDMENT OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ:

Page 10, line 6, strike the semicolon and insert "and to participate in State assessments;"

Page 18, line 7, strike "(2)" and insert "(3)".

Page 19, strike lines 3 through 5 and insert the following:

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement and equity, including information regarding—

"(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, age, family income, disability, gender, limited English proficiency, and previous enrollment in a public school;

"(B) student achievement;

"(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the turnover of the teaching force; and

"(D) a description of the relationship between a developer (or administrator, if applicable) and any for-profit entity that is involved in the development or administration of any school."

Mr. MARTINEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Chairman, this amendment would redirect the Secretary's priority in the National Activities section toward evaluation rather than private capital generation for charter schools. The amendment would also expand upon the evaluation requirements in the bill to ensure that the important aspects of charter schools and their effectiveness on students be studied. And, also, this amendment would ensure that the present or future evaluations must look at those things that ensure that students and parents are not being denied on biased premises.

The amendment would also ensure that charter schools will enable students to meet the challenging State

performance standards and participate in State assessments. We still do not have a comprehensive evaluation of charter schools because they have not been in existence that long, especially on important concerns like the kinds of services students receive, which students get enrolled and which get rejected, what the level of student achievement is in a given charter school. Nothing in current law requires that kind of detailed research information. And we need to make sure we get that information to make informed policy decisions regarding charter schools.

This amendment at least ensures some accountability for the schools and for us when we authorize this program next Congress. Strong evaluation requirements are an accountability tool. We want to give the charter schools flexibility, but we do not want to give them a lack of responsibility. In many cases, flexibility to some people means no responsibility.

Since we do not have any real requirements for evaluation under current law so we can get that broad, sweeping information, that does not give us a true and clear picture by district and by charter school on what is really going on there, good, bad or indifferent, especially with charter school student achievement, which is the claim to their big success.

We have little or no reliable data today on questions concerning equity and student achievement with charter schools. What little data we have makes it really difficult to be able to tell what is really happening in these schools or the influence that charter schools are having on our respective districts. The current law gives no direction to the Department of Education for its studies. The most recent report has no desegregated data, so it is almost meaningless.

We are not asking these charter schools anything that we would not ask of other public schools, accountability. This bill would require the Secretary, as his No. 1 priority in the completion of the bill's national activities, to enter into contracts to ensure private capital generation for charter schools. I would think that we should be supporting further evaluation of charter schools to gauge their effectiveness in educating our children, rather than forcing the Secretary to act like a Wall Street broker.

We have debated on this floor that the GAO says that there is a \$112 billion need to repair to good condition, not excellent condition but just good condition, public schools in our Nation, which are attended by 90 percent of America's children. The schools are crumbling. They are too old to be wired for the 21st century technologies. They are overcrowded. It would be a slap in the face, in my estimation, for every student in the noncharter school to say that the Federal Government will help other schools but not theirs get access to that private capital by making sure

that the No. 1 priority of the Secretary is to generate funds for charter schools.

The oldest charter school, as I said earlier, is only about 6 years old. And there is really much to learn about what makes a successful charter school and how effective charter schools are in increasing the academic results that we all are looking for charter schools accepting all students of all races.

We have had testimony that in certain areas that certainly is true. But is it universal? Are charter schools using certified teachers? In some cases they are not. What impact does that have on turnover of teaching forces in a charter school? What effect does a for-profit entity which is involved in the development of a charter school have on the ways the school operates for the success of its student?

All of these questions are important questions that I think must be answered. And the only method that we have to answer them is to make sure that the Secretary of Education has the mandate to go in and study these things. The current language in the bill only allows for the completion of existing 4-year charter school studies presently being completed by the Department of Education and any related subjects. This amendment would give us the information, I believe, that we truly need to gauge how charter schools are operating.

Mr. RIGGS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the Martinez amendment.

Mr. Chairman, let me point out at the outset that there are aspects of the amendment of the gentleman from California [Mr. MARTINEZ] that I think have merit. He is a good friend. He is the ranking member of the subcommittee. He has made many contributions to the very positive and bipartisan work that we have done over the last year during the first session of this Congress.

I would like to, if at all possible, continue to work with the gentleman from California [Mr. MARTINEZ] on his amendment between now and the time that we might go to conference with the other body. I understand that the thrust of the amendment of the gentleman from California [Mr. MARTINEZ] is to sort of reorder the priorities under the National Activities section of the bill, and the gentleman would suggest, and I think he does this very, very sincerely, that the Secretary and the Department should give higher priority to the ongoing evaluations and studies of charter schools than assisting charter schools in accessing private capital.

However, I hasten to add that we heard anecdotal testimony during our hearings, including our field hearings in different communities around the country, that many charter schools, like a startup business, have difficulty accessing capital, sufficient capital to meet their cash-flow needs, sufficient capital to remain in business as a char-

ter school and continue to educate the young people.

In fact, as I pointed out, one of the reasons that we have in our proposed legislation extended the life of the initial Federal taxpayer grant for charter schools from 3 years to 5 years is because many charter schools, while producing impressive academic results, showing demonstrated improvement in pupil performance at the 3-year mark, are still struggling to make ends meet financially.

That all said, I would like to submit to the gentleman that perhaps we ought to say that both these areas are high priorities for the Department. I have to also tell my colleague that the very last item in his amendment, at least the version I have, which is paragraph (D) on page 2, requiring the ongoing evaluation to include a description of the relationship between a charter school developer and any for-profit entity that is involved in the development or administration of any school, is unacceptable, for the simple reason that we on several occasions, and I think the gentleman from Indiana [Mr. ROEMER] will confirm this, we on several occasions considered, discussed, or debated the possibility of making references to for-profit entities in the legislation but at the end of the day decided to eliminate any references to for-profit entities in the name of bipartisanship.

So I would like to submit to the gentleman from California [Mr. MARTINEZ] that this should come out, because I would be happy to defend the role of for-profit entities, such as, for example, the Edison Project, the great work that they are doing.

I mentioned the other day on the floor that this, and I happen to have it with me, this Parade magazine article, where a Parade reporter, who happens to have an active teaching credential, went to different elementary schools around the country, fifth grade elementary classrooms around the country in Pullman, WA; Boston, MA; Chicago, IL; Salt Lake City, UT; and she concluded that the most impressive school she visited was the Boston Renaissance Charter School, obviously in Boston, MA. That happens to be run under a contract by the Edison Project, which, in my understanding, is a for-profit corporation.

Mr. Chairman, this lady, by the name of Bernice Kanner, goes on to say, "Reading is king at the Boston Renaissance Charter School, and of all the places I visited, this one worked best. The students, most of whom are black and come from low-income homes, pay nothing and are selected by lottery," pursuant to Massachusetts and Federal law regarding charter schools. "Parents are required to be involved in their child's education, a computer is lent to every student, and they have a longer school day and year. Students spend 1½ hours daily reading and improving their writing skills. Lessons followed a strict formula. The students

read silently." She is a teacher and was substituting in this classroom and at this school. "Then I read to them and reviewed vocabulary. They answered questions in their journals from a book they had read as homework. In science, they copied terms, along with their definitions, into their journals."

Just a brief description of the kind of instruction and learning that is taking place at the Boston Renaissance Charter School run by a for-profit entity.

So I want to submit to the gentleman from California [Mr. MARTINEZ] that we can work on this amendment, but we would like to remove that reference under paragraph (D).

Mr. MARTINEZ. Mr. Chairman, could I ask the Chair to recapture part of my time so I might respond to the gentleman from California [Mr. RIGGS]?

The CHAIRMAN. The gentleman from California [Mr. MARTINEZ] cannot yield balances of time during debate under the 5-minute rule.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RIGGS. Mr. Chairman, I yield to my good friend, the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I agree with the gentleman from California [Mr. RIGGS] that there are a lot of places and instances where we can find reports of charter schools that are doing excellent things, private for-profit charter schools, as well as public charter schools. And my argument is not with that; my argument is with accountability.

I agree with the gentleman from California [Mr. RIGGS] that (D) to this amendment is not that important, that I would strike that amendment if the gentleman from California [Mr. RIGGS] would accept the rest of the language. And I agree also that the priorities of the Secretary could work hand in hand on the accountability aspects of it in generating revenues for charter schools.

The problem is that I do not think it should be exclusively the responsibility or primarily the responsibility of the Secretary of State to generate those funds, to spend all of that time just generating funds, when he could actually be spending some of that time doing the evaluation of these schools so we would have a better knowledge when we go to reauthorize this legislation.

So I would strike that if the gentleman from California [Mr. RIGGS] is willing to accept the rest of the language, strike paragraph (D).

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to say to our ranking member on the Democratic side that his amendment, on IDEA, is a very helpful amendment. I think the

gentleman from California [Mr. RIGGS] and myself continue to work out language to make sure that charter schools, as we say very, very strongly in our bill, that charter schools will reflect the same student body that other public schools reflect and that individuals with disabilities and special-needs students will have that access to charter schools.

I think that is a very helpful amendment. I think, with this amendment, there are parts of the amendment of the gentleman from California [Mr. MARTINEZ] that actually are already included in our bill. We actually say that the Department of Education's role in evaluation should be vital and should be important.

□ 1115

We go on to say in the bill that it directs the Secretary to complete the Department's 4-year study of charter schools, which addresses many of the same things that the gentleman from California outlines in his amendment. So we do have very, very strict accountability in the bill.

Also, I think one of the key points that I would like to make is just this week I addressed, in Washington, a conference of charter school people from across the country; 800 or 900 people attended this conference. They said very specifically to me at the talk and at the conference and after my remarks that one of the biggest obstacles they face is the lack of start-up funds and the difficulty in accessing private capital for facility improvements. We want to make sure in our bill that they can overcome these kinds of obstacles.

When the Hudson Institute did their study of what charter school difficulties there are in the first year or two, they also confirmed that start-up costs and facility improvements are the single biggest hurdles to fledgling charter schools. We want to make sure that these schools have access and this amendment would strike that ability, would eliminate that ability.

Mr. Chairman, I would encourage my friend from California, we want to get his support for final passage of this bill. We want to work with the gentleman from California on his IDEA language. We want to find some ways to make sure that he understands that we have accountability in the bill and that there are areas of repetition with his amendment.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, I do not disagree with anything the gentleman has said except that in the bill, as it is listed now, it is a very generic reference to that. What I am saying in this amendment is that we should be more specific. That is the only difference.

MODIFICATION TO AMENDMENT OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Mr. Chairman, I ask unanimous consent to modify my

amendment, and I think the modification is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. MARTINEZ:

On line 14 of the amendment insert "and" at the end, and at the end of page 2, line 2, strike "and."

The CHAIRMAN. Is there objection to the modification?

Mr. RIGGS. Mr. Chairman, reserving the right to object, I would just explain to my good friend and colleague that the one thing that we do not want to do here is impose even more reporting requirements or regulatory compliance on charter schools. That obviously goes against the whole idea of decentralizing and deregulating public schools. But the one concern we still have on this side is requiring charter schools to provide to the Department or their contractor or whoever is conducting the ongoing study. Obviously, I think we should mention to our colleagues that the Department did the first-year study in-house. That said, our concern is requiring charter schools to gather disaggregated data on family income. That is the concern.

Mr. MARTINEZ. Mr. Chairman, I agree, and I am willing to strike those two words.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Could the Clerk rereport the amendment, please?

The CHAIRMAN. Without objection, the Clerk will rereport the modification.

There was no objection.

The Clerk read as follows:

Modification to amendment offered by Mr. MARTINEZ:

At the end of subsection (B) insert the word "and"; at the end of subsection (C) delete the word "and" and insert a period; and delete subsection (D).

The text of the amendment, as modified, is as follows:

Page 18, line 7 strike "(2)" and insert "(3)".

Page 19, strike lines 3 through 5 and insert the following:

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement and equity, including information regarding—

"(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, age, family income, disability, gender, limited English proficiency, and previous enrollment in a public school;

"(B) student achievement; and

"(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the turnover of the teaching force.

Mr. MARTINEZ. Mr. Chairman, I think there is a further modification to

that amendment, and that would be deleting the words "family income" on the 11th line on page 1.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. Martinez:

In subsection (A) after the word "age", delete "family income"; at the end of subsection (B) insert the word "and"; at the end of subsection (C) delete "semicolon and" and insert a period; and delete subsection (D).

The CHAIRMAN. Is there objection to modifying the amendment?

Mr. RIGGS. Mr. Chairman, reserving the right to object, I would just ask the gentleman from California [Mr. MARTINEZ] to clarify the meaning and definition of the word "equity" on line 6.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. MARTINEZ. The gentleman is referring to the word "equity"?

Mr. RIGGS. In the entire context.

Mr. MARTINEZ. If the word "equity" gives the gentleman a problem, fairness. Because that is what it means. That is the definition of it to mean.

Mr. RIGGS. Mr. Chairman, I apologize for going back and forth like this, but I am going to have to suggest to the gentleman that perhaps we take out those 2 words so that lines 4 through 6 would then read "studies which shall include the evaluation of the impact of charter schools on student achievement, including information regarding".

Mr. MARTINEZ. Fine.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent that we can make that further modification, deleting the words "and equity" at the beginning of line 6.

Mr. MARTINEZ. Would this be the last modification?

Mr. RIGGS. Yes.

The CHAIRMAN. The Chair will entertain one unanimous-consent request on all of the modifications made thus far as opposed to a unanimous-consent request on each separate portion.

Is there objection to the unanimous-consent request to modify the amendment as has been reported?

There was no objection.

The CHAIRMAN. The amendment is modified.

The text of the amendment, as modified, is as follows:

Page 18, line 7, strike "(2)" and insert "(3)".

Page 19, strike lines 3 through 5 and insert the following:

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement, including information regarding—

"(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in a public school;

"(B) student achievement; and

"(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the turnover of the teaching force.

Ms. WOOLSEY. Mr. Chairman, several months ago I visited a charter school in Santa Rosa CA. I spend the morning with students in their small classes, saw the individual attention they got from their teachers, and met many of their parents. And when I left that school, I wept.

I wept, Mr. Chairman, because I want every child to go to a school where the classes are small; where each student has an individual learning plan; where parents participate almost daily. You and I know how few students have these privileges.

That is why I rise in strong support of Mr. MARTINEZ' amendment to the Charter Schools Amendment Act.

Mr. Chairman, during the hearing on charter schools in the Education Committee, we heard testimony that students with disabilities are consistently denied admission to charter schools, or, denied services once they are admitted.

This is unacceptable. Charter schools are public schools, and they are required to comply with the Individuals With Disabilities Education Act.

I know that many charter schools are started by parents and teachers who aren't familiar with IDEA and have never thought about educating a youngster with disabilities. That's why Mr. MARTINEZ' amendment is so very important.

This amendment says that when a charter school applied for Federal funds, the application must include a description of how the school will comply with the Individuals With Disabilities Education Act.

This amendment gives people who want to start a charter school a clear heads up that they have to comply with the act. It gets them to think about compliance, which, I am convinced, will give more kids the opportunity to go to a charter school.

Mr. Chairman, I voted for the Charter Schools Act in committee and I will vote for it again today.

Charter schools offer a good chance for improving public education. Classes are small in charter schools, parents are more involved in their children's education and teachers have a stronger voice in what they teach.

I want all public schools to be so lucky. But, until they are, we need to make sure that charter schools are ready and able to educate all students. Traditional public schools accept and educate all students—we must ask for nothing less from charter schools. We must pass the Martinez amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California [Mr. MARTINEZ].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Oregon:

Page 6, line 2, before the period, insert "notwithstanding that such a State does

not meet the requirements of section 10309(1)(A)".

page 6, line 20, before the period, insert "notwithstanding that such an eligible applicant does not meet the requirements of section 10309(1)(A)".

Mr. SMITH of Oregon. Mr. Chairman, I would like to especially thank the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the committee, and, of course, the gentleman from Indiana [Mr. ROEMER], the ranking member, and the gentleman from California [Mr. RIGGS], the subcommittee chairman, for allowing me to bring this slight amendment to this very important bill today. I especially want to thank the gentlewoman from Oregon [Ms. HOOLEY], who brought this to my attention and who will assist valiantly in the support of this amendment. I know, simply because we in Oregon do believe in charter schools.

This amendment, Mr. Chairman, simply allows Oregon to meet in their legislative process in 1999 and still continue to qualify for charter schools. We meet every 2 years in Oregon. We do support charter schools. Unfortunately, we are operating under enabling legislation in Oregon which does not conform specifically to the words of this bill. With the simple amendment, which applies only to the State of Oregon, Mr. Chairman, I would ask that you give us an extension of 2 years to continue to support charter schools in our State.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS] and the gentleman from Indiana [Mr. ROEMER] for their excellent work in bringing this legislation before us today. As many Members know, I had some concerns about this legislation, so I have had the opportunity to work closely with, again, the gentleman from Oregon [Mr. SMITH], the chairman of the Committee on Agriculture. We share the same concerns about Oregon and he has worked very hard on this issue. I want to thank the gentleman for all he has done. I am pleased that this resolution has been reached, and I appreciate the fine work of the gentleman from California [Mr. RIGGS], and to the extent that he has worked in good faith with us on this concern, I thank the gentleman very much.

I support charter schools as a means of providing expanded educational choice for parents, and I support the intentions of this legislation. This will allow us in Oregon to continue to offer parents and teachers that have previously benefited from this program an opportunity to continue benefiting. I strongly support this amendment, and I urge my colleagues to do the same.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this compromise amendment. I want to

commend the gentlewoman from Oregon [Ms. HOOLEY] for her hard work. She has been tenacious and diligent in working with me and with the gentleman from California [Mr. RIGGS]. I want to compliment the gentleman from Oregon [Mr. SMITH] as well, too.

The purpose of this legislation that has been crafted in a delicate and bipartisan way is to make sure that we maintain the integrity of the language and not hurt existing charter schools. I think this compromise amendment makes sure that those existing schools are not hurt while some legislative bodies may not be meeting for a year or two in order to address some of the problems that they may have in their State. I strongly support this amendment and again want to commend the gentlewoman from Oregon [Ms. HOOLEY] and the gentleman from Oregon [Mr. SMITH] for their hard work.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too support the amendment of the gentleman from Oregon [Mr. SMITH] and the gentlewoman from Oregon [Ms. HOOLEY]. Their amendment is very, very straightforward. It simply states that any State that has received a charter school grant prior to October 1, 1997, shall be eligible for an extension grant, as we increase the life of an initial start-up or seed money grant to States for charter schools from 3 years to 5 years. I do also want to mention that with regard to the new money, the increase in Federal taxpayer funding for charter schools in the bill over the past fiscal year level of \$51 million in Federal taxpayer support for charter schools, the priority criterion in the bill is for States that have specific, and we hope, strong charter school laws on the books. I very much encourage both the gentleman from Oregon [Mr. SMITH] and the gentlewoman from Oregon [Ms. HOOLEY] to work with their constituents and certainly work with the State legislature in their home State to see if it is not possible for that State to adopt a similar law.

PREFERENTIAL MOTION OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MENENDEZ. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. SMITH of Oregon. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Oregon. Mr. Chairman, prior to this motion, there was business on the floor of the House that has not been completed. I would ask the gentleman prior to the time he makes

his motion that we complete that business simply by accepting this amendment, and then the gentleman, of course, would offer his motion. He caught us in the middle of a vote.

□ 1130

Mr. Chairman, the gentleman from New Jersey caught us in the middle of offering an amendment, and the Chair did not have a chance to place the amendment.

Mr. MENENDEZ. Mr. Chairman, I withdraw my request at this time.

The CHAIRMAN. Without objection, the motion to rise is withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. SMITH].

The amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MENENDEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 71, noes 348, not voting 14, as follows:

[Roll No. 608]

AYES—71

Ackerman
Becerra
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Carson
Conyers
Coyne
DeLauro
Dellums
Deutsch
Dingell
Doggett
Evans
Farr
Fazio
Filner
Frank (MA)
Furse
Gephardson
Gephardt
Hastings (FL)
Hinchey
Hooley

Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Kennedy (RI)
Kennelly
LaFalce
Lewis (GA)
Lofgren
Maloney (NY)
McCarthy (NY)
McDermott
McKinney
McNulty
Meek
Menendez
Millender-
McDonald
Miller (CA)
Mink
Mollohan
Murdtha
Nadler
Oberstar
Obey

Oliver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Pomeroy
Rangel
Reyes
Rodriguez
Roybal-Allard
Sanchez
Sanders
Scott
Skaggs
Stark
Strickland
Stupak
Torres
Towns
Velazquez
Wise
Woolsey

NOES—348

Abercrombie
Aderholt
Allen
Andrews
Archer
Arney
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen

Bereuter
Berman
Berry
Billbray
Billirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlt
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Bryant
Bunning

Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble

Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter

Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalfe
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter

Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Skeltson
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bono	Johnson, E. B.	Slaughter
Cubin	Kaptur	Talent
DeFazio	Riley	Wexler
Foglietta	Schiff	Yates
Gonzalez	Siskiy	

□ 1153

Messrs. SAM JOHNSON of Texas, HASTERT, GALLEGLY, HOBSON, and BOB SCHAFFER of Colorado and Ms. DeGETTE changed their vote from "aye" to "no."

Mr. SKAGGS changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. PASTOR

Mr. PASTOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PASTOR:

Page 18, after line 2, insert the following.

"(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this part and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

"(1) the eligibility of the school to receive any other Federal, State, or local aid; or

"(2) the amount of such aid."

Mr. PASTOR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. PASTOR. Mr. Chairman, I rise to offer an amendment to H.R. 2616, the Charter Schools Amendments Act.

As we know, the Bureau of Indian Affairs, BIA, distributes funds to tribal schools through the Indian Student Equalization Program, or ISEP. The State of Arizona passed an amendment to its charter schools law allowing the State to deduct Federal ISEP payments from the State payment to tribal charter schools. My amendment would simply prevent the States from using this practice.

Mr. Chairman, it is my understanding the chairman has accepted my amendment.

As many of you know, the Bureau of Indian Affairs distributes funds to tribal schools through the Indian Student Equalization Program, or ISEP. The State of Arizona passed an amendment to its charter schools law allowing the State to deduct Federal ISEP payments from the State payment to tribal charter schools. My amendment would simply prevent States from using this practice. Native American schools, often among the poorest schools in the country, should not be penalized for qualifying for federal assistance. Impact Aid has a similar provision, and I simply wish to ensure that tribal charter schools are treated in the same manner.

I represent a number of tribes in Arizona, and I have seen firsthand the poverty and illiteracy that plague these reservations. These schools are among the poorest in the country, and every additional dollar is vital to the future of these children. These schools are des-

perate for additional resources, and I am proud to offer this amendment today.

It is my understanding that Chairman GOODLING, as well as Congressman RIGGS, have agreed to this amendment. I appreciate the assistance of both Mr. RIGGS and Mr. KILDEE, and I am pleased they have agreed to this amendment.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, at this point I would like to suggest to my colleagues how we on this side would like and intend to proceed through the remainder of the consideration of the charter school bill and how we propose to dispose of the pending amendments.

It is our intent on this side to accept the Pastor amendment, and we are prepared to do so at this time. We are also prepared to accept the Kingston amendment renaming the bill from the Charter Schools Amendments Act of 1997 to the Community Designed Charter Schools Act of 1997.

Mr. Chairman, we are also prepared to accept at this time the Traficant Buy America labeling provisions amendment which is also pending before the House.

It is my understanding, after talking to the gentleman from Rhode Island [Mr. WEYGAND] that he will offer and withdraw his amendment pending our engaging in a colloquy, and I hope that the distinguished ranking member of the subcommittee will join us in that colloquy.

Finally, Mr. Chairman, we are still trying to work out an understanding with the gentleman from California [Mr. MARTINEZ] as to his two amendments. We hope we can accommodate his amendment with respect to applying the IDEA, Individuals with Disabilities Education Act, to a certain category of charter schools, and in exchange for doing that he might withdraw his amendment reducing the charter school grant period from 5 years to 3 years.

Mr. Chairman, that would leave us only the Clyburn and Tierney amendments to deal with.

Mr. Chairman, at this point in time I would ask unanimous consent that the Committee accept and approve the Pastor amendment, the Kingston amendment, and the Traficant amendment.

□ 1200

FURTHER AMENDMENTS OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I would like to offer the other two amendments that are part of my unanimous consent request.

The CHAIRMAN. Is the gentleman asking to offer those amendments at this point in time as his own amendments en bloc with the Pastor Amendment?

Mr. RIGGS. I am, Mr. Chairman. The Kingston amendment and the Traficant amendment.

Mr. MARTINEZ. Mr. Chairman, reserving the right to object, I was just going to ask the chairman what the Kingston amendment was. I was just told what it was. It is not anything of consequence, so we will accept it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Clerk will report the additional amendments.

The Clerk read as follows:

Amendments offered by Mr. RIGGS:

Page 2, beginning on line 2, strike "Charter Schools" and all that follows through line 3, and insert the following: "Community-Designed Charter Schools Act".

Page 23, after line 16, insert the following: "SEC. 10311. PROHIBITION OF CONTRACTS.

"If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this part, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations."

Mr. RIGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Is there objection to the amendments being considered en bloc?

Mr. MARTINEZ. Mr. Chairman, reserving the right to object, it is very difficult to hear with all of the noise in here. I do not really mean to object, but I would like the chairman to present it to us one more time with a little more order in the Chamber so that we might hear.

The CHAIRMAN. Unanimous consent is pending on the consideration of several amendments.

The gentleman from California [Mr. MARTINEZ] has reserved the right to object, and the gentleman is recognized under that reservation of objection.

Mr. MARTINEZ. Mr. Chairman, reserving the right to object, I would ask the gentleman from California [Mr. RIGGS], if he would just go through that order again of the amendments with an explanation of what the amendments are.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I would just like to point out, and my good friend the gentleman from Indiana [Mr. ROEMER] is also seeking recognition, but my unanimous-consent request that is now pending before the House.

Mr. Chairman, I have a unanimous-consent request pending in the Committee of the Whole pursuant to our accepting the following three amendments on this side. The unanimous

consent request is obviously that the Committee of the Whole adopt and approve the following amendments:

First, the Pastor amendment, which prohibits States that receive a charter school grant from considering payments to a school under the Tribally Controlled Schools Act in determining the eligibility of the school to receive any other Federal, State, or local aid, or the amount of such aid.

The second amendment pending is the Kingston amendment, which effectively changes the name of the bill from the Charter School Amendments Act of 1997 to the Community Design Charter Schools Act of 1997.

The third amendment is the Traficant Buy America labeling provisions amendment. I am proposing again under my unanimous-consent request that the Committee of the Whole adopt and approve those three amendments.

Mr. MARTINEZ. Mr. Chairman, under my reservation of objection, I reclaim my time and I yield to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California for yielding.

I would like to try to get order, Mr. Chairman, because this is a very important bill; we are dealing with education and public school choice.

Mr. Chairman, I want to explain to my colleagues, particularly the Democrats, that most of these amendments are our amendments, and we are accommodating the Democrats with accepting the amendments, and we want to move on to accepting these amendments, working out a colloquy, working through this very important bill, and then passing it. I think we are only about 15 or 20 minutes away from passing this important legislation, and if we will get the cooperation of the body for just that amount of time, I think we are very, very close to finishing up this bipartisan legislation.

Mr. MARTINEZ. Mr. Chairman, I thank the gentleman from Indiana [Mr. ROEMER] for that statement and I totally agree with it. We are close to passing this bill. The Chairman has been totally agreeable in accepting these amendments.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to considering the amendments en bloc with the Pastor amendment?

There was no objection.

The CHAIRMAN. Is there further debate on the three amendments?

The question is on the amendments offered by the gentlemen from Arizona [Mr. PASTOR] and California [Mr. RIGGS].

The amendments were agreed to.

PREFERENTIAL MOTION OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 75, noes 334, not voting 24, as follows:

[Roll No. 609]

AYES—75

Baldacci	Gejdenson	Olver
Barrett (WI)	Gephardt	Owens
Becerra	Hastings (FL)	Pallone
Blagojevich	Hefner	Payne
Blumenauer	Hillery	Pelosi
Bonior	Hinche	Peterson (MN)
Brown (FL)	Hinojosa	Pomeroy
Brown (OH)	Jackson (IL)	Rangel
Conyers	Jefferson	Rodriguez
Coyne	Kennedy (RI)	Roybal-Allard
DeFazio	LaFalce	Sanchez
Delahunt	Lewis (GA)	Scott
DeLauro	Lofgren	Skaggs
Dellums	Maloney (NY)	Smith, Adam
Deutsch	Markey	Spratt
Dicks	McDermott	Stark
Dingell	McKinney	Strickland
Doggett	McNulty	Torres
Etheridge	Meeke	Townes
Evans	Menendez	Velazquez
Farr	Millender	Watt (NC)
Fattah	McDonald	Wise
Fazio	Miller (CA)	Woolsey
Filner	Mink	
Frank (MA)	Nadler	
Furse	Oberstar	

NOES—334

Abercrombie	Cook	Green
Aderholt	Cooksey	Greenwood
Allen	Costello	Gutierrez
Andrews	Cox	Gutknecht
Archer	Cramer	Hall (OH)
Bachus	Crane	Hall (TX)
Baessler	Crapo	Hamilton
Baker	Cummings	Hansen
Ballenger	Cunningham	Harman
Barcia	Danner	Hayworth
Barr	Davis (FL)	Hefley
Barrett (NE)	Davis (IL)	Heger
Bartlett	Davis (VA)	Hill
Barton	Deal	Hilliard
Bass	DeGette	Hobson
Bateman	DeLay	Hoekstra
Bentsen	Diaz-Balart	Holden
Bereuter	Dixon	Hooley
Berry	Dooley	Horn
Bilbray	Doolittle	Hostettler
Bilirakis	Doyle	Houghton
Bishop	Dreier	Hoyer
Bliley	Duncan	Hulshof
Blunt	Dunn	Hunter
Boehlert	Edwards	Hutchinson
Boehner	Ehlers	Inglis
Bonilla	Ehrlich	Istook
Borski	Emerson	Jackson-Lee
Boswell	Engel	(TX)
Boucher	English	Jenkins
Boyd	Ensign	John
Brady	Eshoo	Johnson (CT)
Bryant	Everett	Johnson (WI)
Bunning	Ewing	Johnson, E. B.
Burr	Fawell	Jones
Burton	Flake	Kanjorski
Buyer	Foley	Kaptur
Callahan	Forbes	Kasich
Calvert	Ford	Kelly
Camp	Fossella	Kennedy (MA)
Campbell	Fowler	Kennelly
Canady	Fox	Kildee
Cannon	Franks (NJ)	Kilpatrick
Cardin	Frelinghuysen	Kim
Carson	Frost	Kind (WI)
Castle	Galleghy	King (NY)
Chabot	Ganske	Kingston
Chambliss	Gekas	Kleczka
Chenoweth	Gibbons	Klink
Christensen	Gilchrist	Klug
Clay	Gillmor	Knollenberg
Clayton	Gilman	Kolbe
Clement	Goode	Kucinich
Clyburn	Goodlatte	LaHood
Coble	Goodling	Lampson
Coburn	Gordon	Lantos
Collins	Goss	Largent
Combest	Graham	Latham
Condit	Granger	LaTourette

Lazio	Paxon	Skeen
Levin	Pease	Skelton
Lewis (CA)	Peterson (PA)	Slaughter
Lewis (KY)	Petri	Smith (MI)
Lipinski	Pickering	Smith (NJ)
LoBiondo	Pickett	Smith (OR)
Lowey	Pitts	Smith (TX)
Lucas	Pombo	Smith, Linda
Luther	Porter	Snowbarger
Maloney (CT)	Portman	Snyder
Manton	Poshard	Solomon
Manzullo	Price (NC)	Souder
Martinez	Pryce (OH)	Spence
Mascara	Quinn	Stabenow
Matsui	Radanovich	Stearns
McCarthy (MO)	Rahall	Stenholm
McCarthy (NY)	Ramstad	Stump
McCollum	Redmond	Sununu
McDade	Regula	Tanner
McGovern	Reyes	Tauscher
McHale	Riggs	Tauzin
McHugh	Rivers	Taylor (MS)
McInnis	Roemer	Taylor (NC)
McIntosh	Rogan	Thomas
McIntyre	Rogers	Thompson
McKeon	Rohrabacher	Thornberry
Meehan	Ros-Lehtinen	Thune
Metcalf	Rothman	Thurman
Mica	Roukema	Tierney
Miller (FL)	Royce	Traficant
Minge	Rush	Turner
Moakley	Ryun	Upton
Mollohan	Sabo	Vento
Moran (KS)	Salmon	Visclosky
Moran (VA)	Sanders	Walsh
Morella	Sandlin	Wamp
Murtha	Sanford	Waters
Myrick	Sawyer	Watkins
Neal	Saxton	Watts (OK)
Nethercutt	Scarborough	Waxman
Neumann	Schaefer, Dan	Weldon (FL)
Ney	Schaffer, Bob	Weldon (PA)
Northup	Schumer	Weller
Norwood	Sensenbrenner	Wexler
Nussle	Serrano	Weygand
Obey	Sessions	White
Ortiz	Shadeegg	Whitfield
Packard	Shaw	Wicker
Pappas	Shays	Wolf
Parker	Sherman	Wynn
Pascrell	Shimkus	Young (AK)
Pastor	Shuster	Young (FL)
Paul	Sisisky	

NOT VOTING—24

Ackerman	Gonzalez	McCrery
Armey	Hastert	Oxley
Berman	Hastings (WA)	Riley
Bono	Hyde	Schiff
Brown (CA)	Johnson, Sam	Stokes
Cubin	Leach	Talent
Dickey	Linder	Tiahrt
Foglietta	Livingston	Yates

□ 1225

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WEYGAND

Mr. WEYGAND. Mr. Chairman, I offer amendment No. 4.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WEYGAND: Page 15, line 17, strike “”, to the extent possible.”.

Page 15, line 20, insert “to” before “each”.

Page 15, line 20, insert “which has applied for a grant in accordance with the requirements of subsections (a) and (b) of section 10363” after “State”.

Mr. WEYGAND. Mr. Chairman, I rise simply to provide a measure of fairness to the distribution of funds under the public charter schools program. Mr. Chairman, let me begin by saying I vigorously support the concept of charter schools, which further public education opportunity for students in the entire country.

As Lieutenant Governor of Rhode Island, I supported and advocated for the passage of Rhode Island's charter school law, a responsible approach to chartering public schools which has spawned in our small State two very successful schools thus far.

One such school is the Textron Chamber of Commerce Charter School in the city of Providence, RI. It just received a charter this summer from the Rhode Island Board of Regents.

□ 1230

The Textron Chamber of Commerce Academy targets at-risk students and offers these students access to the surrounding professional work community in Providence in after-school jobs. The employees of businesses in which the students are placed serve as professional mentors for these students. These students also receive benefits by attending the charter school.

In exchange for agreeing to achieve a 95-percent attendance record, to maintain a minimum average of C in every course of study and behave in a work-appropriate manner in school, the student receives many benefits from the school, including placement in a job with a mentor in preparation for college.

The charter also gives the governing board the responsibility to control the budget and purchasing of the school, to evaluate teachers and other professional staff, to establish graduation requirements, and to set forth educational priorities, and to exercise oversight over their bylaws.

In order to fulfill graduation requirements, the student takes traditional courses in English, history, mathematics, and science, and other important subjects, performs work internships, performs community service, and does independent study.

So what distinguishes this school from other wonderful charter schools operating throughout the United States? This school has not received one dime, not one penny, from the public charter school program. Not one Federal dollar goes to this school. Yet, it epitomizes what charter schools are supposed to be about and what this legislation was established to do.

Neither do the schools in Arkansas, Mississippi, Nevada, New Hampshire, Ohio, or Wyoming receive any such support. Yet, they have such charter schools. Schools in these States need this grant money just as much as schools in other States to assist in start-up costs. They deserve to reap the benefits of the public charter schools program.

My amendment, Mr. Chairman, would simply require that the Secretary of Education provide a portion of the funds available under this program to all States which have laws allowing the establishment of charter schools and conform to the requirements of section 10303 of this bill. The State chartering agency would still be required to complete the extensive ap-

plication process to comply with all applicable requirements of the law.

Under my amendment, as reported in the bill, there is no minimum or maximum grant. The grant amounts would still be at the discretion of the Secretary of Education. The Secretary will still have the appropriate flexibility to decide which amount would be most appropriate to benefit the charter schools and the students in every State.

I applaud the Department of Education's efforts to spur further development of innovative charter schools, and I strongly support what the gentleman from California [Mr. RIGGS] has done. I think what we are trying to do here is really make those charter schools that are operating in the country the very best.

But we must recognize that we cannot simply award the money to the cream of the crop. There are charter schools that are out there that need assistance maybe in the way they have their autonomy, or their purchasing power, or their review of teachers, or their review of other professionals, or their mentoring program. That should not push them to the bottom of the barrel.

Simply because a State, like Rhode Island or Massachusetts or other States, happens to put a cap on the number of charter schools, it was done just so that we could have oversight and not to discourage charter schools. We should not be discriminated against just because we want to be sure our charter schools are the best that they can be. Unfortunately, though, Mr. Chairman, they are.

I would, though, like at this time, after conferencing with the gentleman from California [Mr. RIGGS] and our ranking member on the committee, I would like to withdraw the amendment because we have an understanding.

I would like to enter into a colloquy with both the ranking member and the chairman at this time if it is appropriate, Mr. Chairman.

Mr. Chairman, I understand, after my discussion with the gentleman from California [Mr. RIGGS], that he indeed agreed with the concept that these charter schools that operate in this fashion are de facto.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. WEYGAND] has expired.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I understand that the gentleman from California [Mr. RIGGS] and I both agree that charter schools that we have described here today are the essence of what is intended by this legislation, that in fact we both agree and feel that the Department of Education and the Secretary, under the discretionary fund amount of money that he has, should in fact encourage and assist fi-

nancially and otherwise charter schools like this, and that my colleague and I, with our ranking member, will enter into a letter to the Secretary of Education suggesting and promoting that these charter schools, as well as in other States, like Ohio and other States, that really do meet the essence and do need some assistance, whether they are the top or bottom of the barrel, should receive funding to help them bring them and rise them to the top of the barrel, and that what we would like to see is that the Secretary of Education take a second look at the way they fund these charter schools and, indeed, to help these charter schools and to remove the stigma that is attached to maybe the overriding legislation, as in Rhode Island and Massachusetts, where they do put caps, they do in fact meet the letter of what we want to have as charter schools.

Mr. RIGGS. Mr. Chairman, reclaiming my time, the gentleman from Rhode Island [Mr. WEYGAND] is essentially correct. I do want to join with him, Mr. Chairman, in encouraging but not requiring the Department to provide funding for the start-up of charter schools in the State of Rhode Island and other States that have charter school laws on the books today but have not yet been deemed eligible and have not yet received any taxpayer funding through the Department of Education.

Mr. WEYGAND. Further, if I could add that, indeed, we should not be discriminating against States that happen to have a legislative cap in their State laws, but in fact do in all other elements encourage and promote charter schools. That should not be a discriminating kind of factor.

Mr. RIGGS. Reclaiming my time, there is no, of course, intent to discriminate against those States. There is an intent in the new legislation as to the new money, all money over and above the past fiscal year level of \$51 million, to drive more money to States that have no caps or that reconsider their legislation to remove any caps that might presently exist.

I do want to point out to the gentleman from Rhode Island [Mr. WEYGAND] that I am informed by staff that Rhode Island has twice applied to the Department for funding under the Federal Charter Schools Act and it has been turned down, obviously.

Hence the concern of the gentleman from Rhode Island [Mr. WEYGAND], which I share, because of the great work of at least one charter school that the gentleman mentioned to me, and that the Department apparently has offered the State of Rhode Island technical assistance in qualifying for Federal taxpayer charter school funding.

So I do hope we can encourage the Department to work with the State to provide Rhode Island and the other States with funding. I would point out that we are not trying to create a

catch-22 here under the legislation where those States that have charter school laws in the books and are not yet receiving any funding do not receive any of the new money contemplated in the bill.

Indeed, I want to say to the Secretary and to the Department, given the fact that we have retained your sole discretion over the \$51 million, and given the fact in this legislation we contemplate doubling Federal taxpayer support for charter schools across the country, I would hope that they would redouble their efforts to work with Rhode Island and the other States that have charter school laws on the books but have not yet received Federal taxpayer support for charter schools to make sure that they do receive some support from the \$51 million that the Secretary will continue to control at his sole discretion over the life of the legislation. This is so-called old money.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

It is obvious that the whole purpose of the charter school was to improve and reform education. There are those of us in the Chamber who feel we ought to be reforming and improving education for every child in the United States. But if in this legislation or in the way the plan is structured now we have inadvertently made it harder for one State to get funds over other States because of the criteria we set in place, I think the discretionary money that the Secretary has could be used to look at those kinds of situations and remedy those.

I would certainly agree to join with my chairman, the gentleman from California [Mr. RIGGS], in sending a letter or notifying in any way the Secretary of State that he ought to really look at those kinds of situations and try to do everything he could to benefit those places.

Mr. ENSIGN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from California [Mr. RIGGS], who is offering this bill.

First of all, my State, the State of Nevada, has a legislature that meets every 2 years. We have just completed that legislative session in July this year. Our State legislature passed a charter schools bill. It was not everything that I would have liked to have seen in the charter schools bill, but it did at least start us down that process.

We do have the caps. We do have some of the other things in our State where we do not quite give as much local flexibility as I would like to see. But our State did, in fact, start it down the process.

I would like to work with the chairman on this particular piece of legislation as it moves forward to try to get States like Nevada, that only meet every 2 years, that because we cannot

do anything for another year and a half in our State legislature, to try to at least encourage them through this legislation to model so that there is more local control, so there are not the caps, so that our State would not be penalized under this legislation.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. ENSIGN. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I would be very, very happy and, in fact, eager to work with the gentleman from Nevada [Mr. ENSIGN] and Nevada State government officials to see if, in fact, again, we cannot encourage the Department of Education to look favorably upon their funding request as to the so-called old money, the \$51 million, in this bill. Again, it is only the amount over and above \$51 million that will go out pursuant to the priority factors, the so-called incentives.

Furthermore, I just want to say so my colleagues understand this, because I know the gentleman from California [Mr. MARTINEZ] and the gentleman from Indiana [Mr. ROEMER] know this, I obviously come from a State that does have a very strict limit on the number of charter schools that can be created. I believe the number is 100 or 110 in the State of California today.

So, again, as to the new money in this bill, the difference between the \$51 million current funding level and the \$100 million authorized annually in this legislation, I am putting my own State at a competitive disadvantage. But we are doing that, again, to try to reward States that have strong charter school laws on the books that have truly embraced the charter school movement.

I am happy to work with the gentleman from Nevada [Mr. ENSIGN] for his concerns, as well as the gentleman from Rhode Island [Mr. WEYGAND] as we move forward with this legislation.

The CHAIRMAN. Does the gentleman from Rhode Island wish to withdraw his amendment?

Mr. WEYGAND. Yes, Mr. Chairman. After our colloquy with the chairman and the understanding that we will move forward in that direction, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

Beginning on page 7, strike line 1 and all that follows through page 8, line 21.

Mr. TIERNEY. Mr. Chairman, I want to commend the committee for its work being done in focusing on public schools.

We have had debates in this Chamber recently that have been addressing some aspects or concepts that we

thought have been a draining of resources from the public schools that serve this country's 90 percent of children that cannot afford and cannot go to private schools.

The public charter school bill has the potential to do what many of us have been advocating; and this is, address the needs of public schools, encourage experimentation within the public schools to help those that need improvement more than others might.

There are many successful public schools throughout this country, in particular in my district, and there are some that need some help to get the obvious improvements. They need to have engaged employees. They need to have an entrepreneurial spirit amongst their administrators. They need to have the involvement of communities, the colleges, and the businesses, parental involvement. They have to diminish the class size to make it more manageable. They have to have teacher training and retraining. And, obviously, we want to have a period of evaluation, of measurement, as to how these schools are going as they try to meet their defined mission.

We have some concerns that some of these charter schools step outside the bounds and do not concentrate enough on the public school aspect. But in the Commonwealth of Massachusetts, I think we have done some very wise things. We have set up more than one kind of charter school. In fact, we had the prudence to establish different kinds so that they can get more involved and for more people and more support for this experimental measure.

We have Horace Mann chartered schools, and we have commonwealth charter schools. Some would argue that the Horace Mann school may not be as autonomous as the commonwealth schools. But, nonetheless, the Commonwealth of Massachusetts has made that recent decision to experiment to see which is the one that they prefer to proceed with after a period of time has gone by so that they can measure performance.

In Massachusetts, we also have a cap on the number of charter schools, because that State has decided to be prudent to examine at some point in time how the progress has gone, whether or not one type or another has been better, whether or not there is some combination of the features of these schools that should be made to improve them before they move forward.

But at any expense, the State and Commonwealth of Massachusetts has made these decisions. And usually we hear the argument on the other side of the aisle how they want local governments to have some control over the direction of their educational system in the public schools.

□ 1245

That is what we have done in Massachusetts. We have experimented, we have set up alternate types. As to the money that is now granted under the

charter school law, the \$51 million, Massachusetts would qualify. As to the additional \$49 million that this bill purports to establish, it may not, because by this legislation if the priority section remains in, we set new bars, new levels to be met. That seems to me, Mr. Chairman, a bit of a contradiction. On the one hand, in committee and here we hear that the reason we need more money is that startup charter schools do not have enough funds to start up properly. Yet we are not going to give those States that have charter schools any more money if they do not meet these new bars. If in their prudence, in their judgment, they have put a cap on the number of schools so that at the time the cap is met they can measure the performance and make any adjustments, they are not going to qualify for the additional money. If they have decided to have a variety of types of charter schools so they can get more involvement for more members of the community in some and they want to measure the performance as opposed one to the other, then they may get penalized because they may not meet another priority of what is a large or huge amount of autonomy.

Mr. Chairman, all I am saying is that Massachusetts ought to be able to qualify to the old and the new money. We ought not to be raising new bars that have the potential to disqualify them. If we are truly serious about having an experiment within the public school system, then let the Commonwealth of Massachusetts and other similarly situated States engage in that experiment, let them decide how they are doing with what types of school they put forth before they proceed further and allow them to have some portion of this additional money so that the schools they have started have those additional funds to move forward and start up in a way that will make this a productive experiment. Mr. Chairman, that is all we seek. If we eliminate the priority section of this particular proposed bill, we put all States on an even footing, we do not discriminate or penalize any and the public charter school process moves forward.

Mr. RIGGS. Mr. Chairman, I rise in opposition to the amendment. As I have said repeatedly now over the 2 days that this bill has been before the House, this bill directs the new money, the new Federal taxpayer spending above the past fiscal year level of \$51 million for charter school startup, it directs this new money, \$51 million, to those States that provide a high degree of fiscal autonomy to charter schools, those States that allow for increases in the number of charter schools from year to year, and incidentally I am told that the Commonwealth of Massachusetts has not reached its cap on the number of charter schools that can be created within the Commonwealth, and States that provide for strong academic accountability and improved pupil results from year to year, contin-

uous improvement. The Tierney amendment would delete the priority section as to the new money.

I want to just make sure, because I was able, I believe, to convince the gentleman from Rhode Island [Mr. WEYGAND] and the gentleman from Nevada [Mr. ENSIGN] that the priority factors are attached only to new money. In other words, the \$51 million will continue to go out from year to year to charter schools across the country the old way; that is to say, at the complete discretion of the Secretary of Education in the Department of Education. I think we could all agree that even if we are talking about \$51 million or \$100 million, this is a limited amount of money and therefore it needs to be targeted in some fashion.

Given what we have learned in our field hearings, and in our hearings back here in Washington about what makes a successful charter school, it is important to, in my view as the principal author of the legislation with the gentleman from Indiana [Mr. ROEMER], direct the Secretary to send money to the strongest charter schools in those States, as I have said over and over again, that have a strong charter school statute on the books.

We recognize that only a few States presently meet all three priority criteria. However, several States meet two of the three and all States meet at least one of the three criteria. Therefore, it is unlikely any State, the Commonwealth of Massachusetts, my home State of California, it is unlikely that any State will receive a complete windfall from prioritizing the new money nor will any State lose most of its charter school funding. Rather, the priorities again simply redirect the new money to those States with strong charter school laws.

This is discretionary money. The last thing we want to do, I think, is create a new Federal education entitlement. Again, if we turn this into an entitlement, even at \$51 million, and therefore give a little bit of money to all who would qualify under this program as an entitlement, I think we will defeat the purpose of this bill and we will not, I think, be using the money effectively on behalf of taxpayers to start up charter schools in those States that have truly embraced the charter school movement and truly have endorsed the concept of more parental choice in public education.

Again, the current law requires the Secretary take into consideration the criteria. However, as the law is currently drafted, the Secretary will continue to have broad discretion in weighing the criteria and in determining how much to send to each State. The priority section again is simply intended to put teeth into the existing criteria and provide some guidance to the Secretary on how new money should be allocated to the States.

The Tierney amendment, well-intentioned, and to his credit he was kind enough to come by my office and visit,

but his amendment I think again would defeat the purpose of our legislation. It would effectively gut the priority section in the bill. It would maintain, I think, a status quo that is being promoted by the education establishment, who fears any competition, any threat to their monopoly of financial control, and it would create a new Federal education entitlement. Therefore, I am strongly opposed to the Tierney amendment and I urge its defeat.

Mr. WEYGAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I recognize first of all the great work that the gentleman from California [Mr. RIGGS] has done on this. I know he is very sincere about this issue. But I know equally the gentleman from Massachusetts [Mr. TIERNEY] is, and I would like to yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I also appreciate the comments that have been made. I think we are having a healthy debate here, but I want to make a note that I sense that what is being said here is there may be more than one purpose of this proposed bill. I think that there are apparently two purposes being put forward on this. One is apparently some desire to have this Congress impose upon States a necessity that they charge forward with a judgment that charter schools are already a raging success before they have had the opportunity to assess and measure the performance of their own experimental schools that have been started. I am not sure that that is a healthy aspect. I thought experimenting was about setting on a path, taking a very conscious and prudent evaluation and proceeding only after those types of measurements have been made.

The other purpose, as I understand it in this particular statute, is to make sure that startup schools that currently say they do not have sufficient funding to start up can share in some additional funding, and that is why there is more money being put into the pie. But the maybe unintended consequence of this act will be that it will now preclude them because the Secretary may come in and decide that they do not have enough autonomy in one or more types of experimental school that has been established and they do not meet the priority because they have a cap on that and when they meet that cap, although they may not be there now, they will then be precluded from getting any of those additional funds.

I note that earlier the gentleman from Georgia [Mr. KINGSTON] put forth an amendment that called this the Community Designed Charter School Act. I think that at least with respect to one of those priorities, we move against communities designing the type of charter school they will have where we attempt to impose how this Congress wants to design individual charter schools.

In Massachusetts, as I have said before, we have come together as communities and designed several different kinds of charter schools with varying degrees of autonomy, with varying degrees of numbers that they can reach before they get evaluated. That to me seems the way to go. It has more people engaged in this process, and some that were not in favor of charter schools before are now coming on board, willing to exercise that experimental nature.

I urge that we do away with the priorities and simply take the initial funding and let all States qualify so that we have better public schools, with the involvement of the entire community, and that we do not try to preclude anybody's participation.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WEYGAND. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I think I concur in the remarks of the gentleman from Massachusetts, and maybe the subcommittee chairman can help me, but I do not understand what it is about the current system that is not working or not allowing for the number of charter schools that we want or the progression of charter schools that we want. My State, the State of the gentleman from California [Mr. RIGGS], has a limit of 100. I think they have looked the other way and breached that already and there are maybe over 110 schools, but the statute is still 100. But I do not understand why we are insisting on some level of growth in charter schools if the States make in their determination that they want to stage it in another fashion.

I can appreciate that a concern might be that there are those who do not like charter schools who would get a limitation put on the number of charter schools or the growth rate of charter schools at the State level, and I think that would be wrong. But I do not know that we should be telling the State how fast to grow charter schools. If they can handle 100 or handle 50 or handle 500, it would seem to me that is a legislative determination with their State departments of education about how they want to proceed in this fashion.

I think there are two big dangers here. We find something we like and we overreplicate it and we lose the integrity of what we are trying to hold on to. In many States, this is a new program but we are looking for integrity. We are looking for the opposite of what people think they find sometimes in the local schools, in terms of curriculum, accountability, and the kind of people who can teach and so forth. That is why they went to a charter school. But it seems to me if you grow like top seed, what happens around here most times is that these programs start to lose their integrity, they start to look like that which they were there

to maybe replace or to renew, and all of a sudden we are back to spending people's money and now we have got GAO reports and IG reports. I do not know why we would not leave it to the States to make this determination and not get into this business of old money and new money when it comes to charter schools, because it sounds to me like most States are now seeing that this is the future.

Mr. WEYGAND. Reclaiming my time if I could, Mr. Chairman, I think what the gentleman from California has pointed out is exactly the essence of the argument of the gentleman from Massachusetts [Mr. TIERNEY]. States should have the control, which the Republican side has always said. We are trying to determine where they should be, the destiny of their school systems, and what he is proposing is just that.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words. I rise in strong support of the Tierney amendment.

Mr. Chairman, I would like to appeal to the gentleman from California, the chairman of the subcommittee, to look at the priorities that he set as recommendations in this bill and understand that, and I am a strong supporter of this bill and I will vote for it, but I am supporting it and will vote for it because I think it is a good way to move the agenda forward, to escalate the charter school support, but I assume we are going to have to revisit this issue next year and we are going to take a closer look at charter schools and what we can do at the Federal level to make certain that this is an idea whose time has come and is not destroyed and distorted because it is handled in the wrong way.

I am in favor of maximizing the experiment now. Let us maximize it. Let us give the freedom to the States to experiment. Experiment does not mean that they can wildly go galloping off, because I do not think any State legislature is going to let that happen. I think probably Arizona has one of the freest and most permissive charter school laws, and they are beginning to rein that in. We understand there will be people who will not adhere to standards. There must be accountability. We understand that money is involved here, and there is a need to deal with restrictions on the way money is handled and the way the financing is done. There are a lot of problems that are going to have to be ironed out. But let us see it as a research and development operation at this point. We are experimenting. These are projects that can teach us a whole lot. In the future I think we need to back away from any notion that this is an idea that is going to perpetuate itself automatically by itself. We need to not romanticize the idea of charter schools and believe that nothing can go wrong. A lot of things can go wrong. Money is involved here. We are going to have to have, not a whole set of regulations but more guidance at the Federal level is going to be

necessary. Just in the area of civil rights abuses. We do not want charter schools to be used to perpetuate segregation and racism. There are a number of areas that we are going to have to deal with.

I look forward to next year having a more detailed bill to look at charter schools and help promote them. But right now, why not have maximum experimentation? Why not have OERI be given notice that we want them to closely monitor charter schools? There are less than 800 charter schools now in existence out of more than 86,000 public schools. Given the fact that they are less than 1 percent, they are not going to run away out of control and take over the public school system any time soon, but they can offer invaluable lessons to the public school systems in terms of the kinds of things we can learn from them. We should be looking to learn those things from them.

□ 1300

We should not allow certain kinds of things to happen. I think we have a problem even with definitions of charter schools by some States. If charter schools are not going to be fully funded where the school gets the same amount per pupil as other public schools get, I do not think they are real charter schools. That is a problem that has developed already. We are going to go back and take a look at that.

There are a number of problems that next year we are going to have to take a close look at, but right now why not go forward and leave the community design idea there, the State design idea there, and let it at this point be fully open for experimentation; Massachusetts and any other State. New York does not even have a law yet; we are trying hard to get one.

We should be in a position to do at the bottom in the chain the things that have to be done to study them across the board, and, if we have 50 different sets of examples of State laws and for all the 16,000 school boards in the country, different variations of that, so let it be. Let us study it, let us get the best out of all of them and be able to go forward with a maximum, well-developed approach to charter schools in the future. Next year, year after and ongoing years we will be perfecting and refining this instrument, and right now I do not think we have to be so careful and so cautious that we cannot let States fully experiment.

I fully support the Tierney amendment and hope that the chairman will reconsider and let his priorities be recommendations at this point.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

First I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me so simply I can point out that, as my colleagues know, when we draft legislation, we can always

take the carrot approach or the stick approach, and what we took here was the carrot approach. We said that we wanted to direct the new money to those States that have laws on the books that allow for an increase in the number of charter schools from year to year. We did not take the stick approach and say the new money cannot go to those States that have a cap. So there is a very fundamental difference.

And the other point I wanted to make is this is all about where my colleagues think control and authority ought to be in education. We said we respect and preserve the Secretary's discretion to control \$51 million, but we do not want him to control the entire \$100 million authorized under the bill. We want the new money to be directed to the States, and that is all we are trying to do here is give some firm guidance to the Secretary on how that new money should be allocated to States.

Mr. PETERSON of Pennsylvania. Mr. Chairman, this has been a very interesting debate and a very important debate, but to look at the total perspective of charter schools and the establishment of them and the growth of them, we must remember that the educational establishment was not for charter schools. They have been very reluctantly agreeing to support charter schools because they have been a very successful experiment.

It is vital that we keep the priorities that this gentleman has put in this bill there because it is like fertilizing the garden. He is trying to allow charter schools to grow and not inhibit them. In my view the Tierney language will give all the control back to the establishment, to the Department, who are very reluctant to let charter schools grow naturally. Let us look at them.

State periodically reviews academic performance of charter schools. How could we not want that to be there, that we look at their performance, because do my colleagues know what is going to happen? The performance has been good, and when the performance is good, the whole concept will grow. So we must slow that down.

That is what the Tierney amendment does. State gives charters fiscal autonomy. Local control, local power, local decisions; no educational establishment wants that, and they will not give that reluctantly, they will give it very reluctantly.

Let us keep that priority in there, allow for an increase in the number of charter schools from year to year. What is wrong with that? No State is going to increase the number unless it is working in that State, unless their program is proving good. These are appropriate priorities upon the new moneys going out there as a fertilizer, as the carrot approach there.

Mr. Chairman, the Tierney amendment puts the power back in the establishment who will slow charter school growth down, who will keep it at a minimum. Do not let this thing get

away from us, do not let local control takeover; that is what this argument is all about.

It is very simple. This is a very thoughtful approach of a very little bit of money. Those are appropriate priorities. Let's go over them one more time: Academic performance, and then tell the world how well they are working; fiscal autonomy, local control, very important; allow for an increase in the number of charter schools, and that will only happen if it is working well.

Let us let the bill as it is and defeat the Tierney amendment.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

I do not know that the last gentleman was completely accurate. I do not think this is about the establishment being against charter schools. I think this is about, this amendment is about the gentleman from Massachusetts [Mr. TIERNEY] trying to protect the State. And Mr. TIERNEY is looking down the road to 3 years, well, the year 2001, when the criteria that is established in this bill will then be for all funding under this if we by that time find out that these are excess and we go to reauthorization of it with additional funding.

Sure, and the gentleman from California [Mr. RIGGS] is right, and I understand his logic in saying there is a carrot and stick approach. We provide a direction for the charter school legislation the States will pass by putting the three characteristics in there that the State will allow the autonomy of the charter school, that the growth number of charter schools is allowed, and that they will not ensure the academic success of the students. Those are all worthwhile targets. I mean, we often do in legislation targets, but that is not the point here.

The point here is that in doing that, even though there is \$51 million still remaining, discretionary money of the Secretary of State in which the gentleman's State could be funded for those charter programs that they have, he is concerned down the road in 3 years where then all will be controlled by that.

Now, the other thing is the gentleman from Pennsylvania [Mr. PETERSON] says that local control is important. Well, if local control is important, the way the charter schools bill was initially passed was to allow States to pass their own charter determining what their priorities would be. In this we are establishing the priorities for them. That is not local control, that is control from that Washington bureaucracy again that we are so alarmed with.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I do not know the gentleman from Pennsylvania, I do not think we have had any lengthy conversations, so I am a

bit surprised to find out that he is taking what up to this point in time has been a fairly, I think, good level discussion about charter schools and how to best move forward in an inclusive manner and somehow inject it in an establishment type of argument.

Let me tell my colleagues that Massachusetts under Democratic legislation has charter schools. As I said before, we have a variety of charter schools. So the issue is not whether it is establishment or antiestablishment, the issue is how do we become more inclusive so that even those people that were mentioned that might have been resisting now get brought into the fold and move forward and put these schools on the experiment basis that work, and that is the real issue.

Nobody has raised, until the gentleman did, the issue of accountability; we did not say that we did not want accountability. In fact, to qualify as a charter school under the base legislation, there has to be an appropriate level of accountability.

Saying it again as one of these three priorities probably was not necessary; it is the other two criteria that stand the potential of having my State pay a penalty of not being eligible for those additional funds initially and for any money eventually that brings us into this discussion, and there are other States similarly situated.

So the fact of the matter is, if we want to be inclusive and we want to bring in even those folks that might have been hesitant to experiment and to get them because they have a lot to offer, and if we want to bring them in, and Massachusetts, for instance, wants to say we will have several kinds of charter schools, and we are going to get some people to participate in that we can move forward and experiment on, and if we want to have different degrees of autonomy, and we do not want to have Congress tell us what is the appropriate amount of autonomy, we want to experiment and find for ourselves what works in this State as the proper degree of autonomy, then I frankly think that that is a step forward, a step in the right direction.

I think that now we are moving to these experiments and having the public schools have the opportunity to become energized, and to do new things, and to bring everybody into the fold and to work together, and I have said it a million times here, and it bears repeating, that when we do that, when we get the parents, and the employees, and the administration, and local colleges and businesses all working together, that we experiment, we will find the model that lets those schools that might be struggling succeed if we put the resources to allow them to succeed. And that is the measure that we want to go forward.

And I do want to say for the record, and just to bring up the point of the gentleman from California [Mr. RIGGS], that I think might have misled some of us when he was speaking, this statute

specifically says that in 1998, 1999, and 2000 fiscal years, the additional money will be what is distributed under these new priorities, but it also goes on to say that in succeeding fiscal years all the money will be distributed under this particular priority formula.

So there is an exposure there to States that may reach the cap at some later date, and I think that is even a stronger argument for why we do not let States proceed as they want to and make an evaluation. When it hits 50 in Massachusetts, they ought to be able to look and see what has worked and what has not worked, and then, after they have taken the requisite amount of time to do that, decide how they want to proceed and if they want to proceed.

This is not a program where anybody has the evidence or the materials that can say now the charter schools of any nature are a raging success. It is an experiment, it needs to be assessed.

Mr. ROEMER. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I, first of all, want to compliment the gentleman from Massachusetts [Mr. TIERNEY] for what I think is helpful contributions to a bold and brand new idea, which is charter schools. I think the gentleman from Massachusetts, first of all, is looking out for his State, which we are all sent here to do. I think the gentleman is also trying to help the committee and the body of Congress understand the impact of caps set at the State level and how those caps may serve on the one hand as a way to provide for accountability and not let charter schools grow so fast as to not have the proper amount of accountability at the local and the State level.

But on the other hand, and here is where the gentleman from California [Mr. RIGGS] and I get into this delicate balance, on the other hand we do not want to have States set an arbitrary cap that somehow will discourage the growth of these charter schools around the country. We now have about 700 charter schools in the United States. We have a goal of reaching somewhere in the vicinity of 3,000 charter schools in the United States. That is not Mr. RIGGS' goal, that is not my goal, that is President Clinton's goal of 3,000, and we certainly do not want too many States saying they are going to limit their growth to 15 and 17 and then 20.

Mr. Chairman, we want to see these charter schools grow in accountable fashions where they have autonomy over their budgets, where they have bold new ideas on curriculum and they provide public choice to parents and students. So there is a very delicate balance, and I think the gentleman from Massachusetts [Mr. TIERNEY] has helped us try to argue through in a very bipartisan and a very intelligent fashion how to try to provide a Federal incentive to have this balance, and I will yield to the gentleman in 1 second.

The other thing I would say is President Clinton, in his radio address on

October 18 where he endorsed this Riggs-Roemer legislation, said this:

I endorse bipartisan efforts in the House and Senate to help communities open 3,000 more charter schools in the coming years, and here is the key, by giving States incentives to issue more charters, more flexibility to try reforms and strengthen accountability.

Now I want to come back to that, giving States incentives to issue more charters. We are using that carrot approach here, and again the gentleman from Massachusetts [Mr. TIERNEY] says, well, there is a tension, and there is, there is a tension in this, and we are trying to find the right balance in not trying to have an unfair, arbitrary, stultifying cap that discourages more charter schools when they are growing in a State like Arizona or California, but on the same hand in a State like Massachusetts that has different tiers of these charter schools, we want to make sure that they can rise up to their cap, and hopefully the State legislature, when they get the reports of accountability and progress and success, then decide to raise that cap.

So I want to salute the gentleman for his helpful ideas to contribute to the better understanding of this new idea.

□ 1315

Last, I just want to say this, and this is my concern with the legislation. The amendment of the gentleman from Massachusetts [Mr. TIERNEY] says, "Beginning on page 7, strike line 1 and all that follows through line 21 on page 8."

When we reach page 8, we see some fairly important aspects of accountability and adding more charters that President Clinton has talked about in his radio address when he endorsed this.

On page 8 it says, "The State law regarding charter schools ensures that each charter school has a high degree of autonomy over its budget and expenditures."

We certainly think one of the exemplary features of charter schools is its flexibility, is its autonomy and putting its own budget together, is its ability not to be unfairly regulated.

Now, regulated with civil rights, absolutely; regulated with IDEA, Individuals with Educational Disabilities, absolutely; but not some of the other burdensome Federal regulations coming from Washington that think they know best.

Last, on page 8, something that would be taken out with the amendment, "The State law regarding charter schools provides for periodic review and evaluation by the authorized public chartering agency of each charter school to determine whether the school is meeting or exceeding the academic performance requirements and goals for charter schools set forth under State law or the school's charter."

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 5 additional minutes.)

Mr. ROEMER. So I would say that the debate we have had on the cap is a very helpful one, and I applaud the gentleman's efforts in committee, and I applaud what he has tried to do with this amendment.

I think that the gentleman from California [Mr. RIGGS] and I have tried to reach a bipartisan agreement on incentives and on a balance in this tension between not slamming down the number of charter schools that may naturally grow in a State, but also providing accountability language.

The second point is, I really think on page 8 there are some helpful contributions to this legislation, and we would not want those taken out by this amendment.

Since my friend from California did ask about 3 minutes ago for time, I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I am going to be very brief because I, too, had intended to quote the President from his Saturday, October 18, radio address.

Again, I just want to stress to my colleagues, without compounding or exacerbating any disagreements that may exist within the ranks of House Democrats, but I just want to refer them again to the President's comments. "I endorse bipartisan efforts in the House to help communities open 3,000 more charter schools in the coming years by giving States incentives to issue more charters."

The amendment of the gentleman from Massachusetts [Mr. TIERNEY] would not only remove that provision from the bill but obviously run contrary to the President's endorsement of that particular provision in the legislation.

The other thing I wanted to stress very quickly is, the gentleman from Massachusetts [Mr. TIERNEY] is right when he says what we want to do is, in these so-called out-years, the subsequent years of this legislation, after we have had a transition period, direct the money to the States through the priority factors, the priority considerations.

But the gentleman from Massachusetts [Mr. TIERNEY] does not mention that we have had selection criteria for State education agencies in the Federal statute since the very beginning of this program. I do not know if the gentleman from Massachusetts [Mr. TIERNEY] objects to any of those selection criteria for State education agencies.

Furthermore, we have selection criteria for eligible applicants. That means local charter schools. Does the gentleman object to any of those selection criteria for eligible applicants, such as it says the Secretary shall take into consideration such factors as the quality of the proposed curriculum and instructional practices, the degree of flexibility afforded by the State education agency and, if applicable, the

local education agency to the charter school, the extent of community support for the application, the ambitiousness of the objectives of the charter school, the quality of the strategy for assessing achievement of those objectives, and, last, the likelihood that the charter school will meet those objectives and improve educational results for students?

We have always had criteria; it has always been part of the Federal law. We are building on or adding to those selection criteria, and we are giving, again, the Secretary and the Department some direct congressional guidance as to how the new money over the \$51 million will be distributed to the States.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. I was going to ask for the same 1 minute the gentleman from California [Mr. RIGGS] got. I liked that one.

Mr. Chairman, let me just say that I understand what the gentleman from Indiana [Mr. ROEMER] says when he talks about the C paragraph, the third priority. But I think, as Mr. Riggs stated, the base statute already has a number of criteria that we require be met. Amongst them are a number of accountability situations.

So I would not object if you wanted to amend my language to leave that language in there, but I think you have a sufficient amount of language on accountability.

But that is not the issue. I think we are willing, I guess, from what I hear, we do not want to regulate any other aspect, we want to regulate the pace at which States decide how fast they want to go into this limited venture.

I think that is where the mistake comes in. Yes, we want to give incentives within a reasonable degree, but the only way to give incentives is not exclusive to adding these priorities. The fact we are giving \$49 million extra in funds is certainly an incentive for States to participate. They can see something going on here, and they can hear that this is something they want to get involved with.

The part I object to is, your intention to give the incentive may have the effect of disqualifying some people. I want to say there are other ways to do the incentives. I offered as part of this, grandfather in those States that have these provisions, that have charter schools, so that we do not get subject to those disqualifications, and we will all proceed along.

I understand that States do not have a statute yet, and you want to encourage them to get one, and you want to encourage them to put more schools on the books. Let us do it. If this is the way to do it, fine. But do not penalize those of us, a number of us, that already have schools that have decided we want to put a cap so we can measure. That is prudence. We should re-

ward prudence, not penalize it. I do not think any of us want to go forward without having a moment to reflect and assess.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this legislation and also in support of the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY].

First let me address the legislation. I wanted to commend the gentleman from California and the gentleman from Indiana for all of their work on this legislation. I think that charter schools hold out and in fact are holding out an exciting prospect for American public education, and I think they give us an opportunity, as has already been said here a number of times this afternoon, to experiment with a number of ideas that we think will improve the education of our children. I think it allows for in many instances a much greater investment by teachers in the running of that school.

It allows us in many instances to bring people from outside and throughout the community to participate in that education, and I think it puts a lot of the decisionmaking about the utilization of resources where it belongs, at the school site, as those who are working at that site on a day-to-day basis can decide what it is that children who attend that school need and would benefit the most from.

So I would hope that this is legislation that would get strong support from the House of Representatives, and, again, I thank the two gentlemen for bringing it to the floor.

I would say, however, on this amendment that I still continue to have a problem with the cap, because I think it is an area where we are tweaking the State decisionmaking authority, where we do not need to.

Given the hunger in this country for an educational program that works, I think charter schools are going to become magnets for education policy makers at the States as they try to replicate them and reinforce the model and expand them throughout the individual States.

But I also think it is very important that the States, as we do tread this, because simply saying you want charter schools or support charter schools doesn't mean we will have successful charter schools. I think we ought to do those things that will ensure that these models are in fact successful, hopefully that they can be replicated across the State and across the country, but we ought to let the State departments of education have some say in the determination of that.

I guess they could have some say with the language in the bill, because if they needed to have more charter schools each year than they had the year before, they could say 10, 11, 12, and 13, and they would qualify for this money. If we are going to have 3,000,

California has a little over 10 percent of the population, I guess we would have 300 in the next 3 years.

I do not know if our State can really ensure the integrity of this system. Tragically, we have seen in a couple of instances, and I do not think this should deter anybody from charter schools, but we have seen a couple of bad ones, and I think the States ought to have a right and the legislatures ought to have a right to stay at that pace.

I do not think the educational establishment, if people are going to use that in a pejorative sense, can stand in front of this idea and be successful. I do not think it can happen. I think it is going to grow because these schools are going to grow. I just think that the cap just does not make sense. We ought to respect the rights of the States to make that determination. Some will be too conservative, and some will be too liberal.

I will say, however, if the cap is going to be the criterion for money, then States will just decide to put whatever numbers they want in so they can have more charter schools 1 year than after the other. It will have nothing to do with the quality or credibility that you seek in the amendment.

So I think it is unnecessary, but I also think it is an improper place for us in terms of determining how the States will manage the growth of charter schools.

Mr. WEYGAND. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Rhode Island.

Mr. WEYGAND. Mr. Chairman, I would just like to point out one thing that I know my ranking member talked about, and that is when we are talking flexibility and making sure that charter schools, as the gentleman from California said, giving States that flexibility. Right now, we have a \$51 million-\$41 million split. But in the year 2001 that is not going to exist. We are going to crank down more so on the requirements to State charter school programs.

I think that is inherently bad, because what we are doing is further restricting. It is almost like a Federal mandate with regard to requirements, restricting these charter schools in a way that in most cases the Republican side has said no.

Mr. DAVIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make two points to help us close on the debate here. The gentleman from Massachusetts [Mr. TIERNEY] has done an excellent job of stating the purpose of his amendment, and there are two matters over which I must take issue. The first is his attempt to strike the reference in the bill to rewarding those charter schools that exercise a high degree of autonomy as opposed to some degree of flexibility in the current law.

The whole idea of charter schools is to encourage new schools to take

chances by changing the way that they go about educating children. Let me offer a specific example.

In Florida, it is very pleasing to see the number of charter schools that have found a way to reduce the cost of administration of an elementary school and take those savings and put them into a smaller class size, which is currently ranging at about 17 children per teacher, and already getting above average performance from students who were clearly performing below average in the traditional school setting.

That is the kind of innovation we want to encourage. This is not an entitlement, this is a grant program. We want to reward quality. We want to challenge schools. We want to err on the side of innovation here. So I think it is terribly important, as this argument moves into the Senate, that we jealously protect that provision of the bill that encourages a high degree of autonomy among charter schools.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I just want to ask one question of you, and then I will yield back for the answer in a second.

But this priority schedule that is laid out there talks about a high degree of autonomy. In the base legislation, it already establishes a charter school would have to have some degree of autonomy. Is the gentleman prepared to tell Massachusetts which level of autonomy it must decide is best for its charter schools? Because it has a couple of levels now, and it may decide to have more. When it goes to getting to that cap, women are going to stand in there and tell them if they do not pick the right one, they do not qualify.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from California.

Mr. RIGGS. I thank the gentleman for yielding, and just for the opportunity to respond to the gentleman from Massachusetts [Mr. TIERNEY], because I think he raises a legitimate question.

The problem is in the underlying bill, the current statute that we are seeking to amend with this legislation. It just uses that generic phrase, "high degree of autonomy." We have gone to the next step to try to define "high degree of autonomy" as being those States that recognize a charter school as its own independent school district, its own LEA, and so that is what we are attempting to do in the legislation.

□ 1330

Mr. TIERNEY. Mr. Chairman, if the gentleman would continue to yield, basically, we have taken that determination away from the States, and they do not get a chance to try to have as much participation as possible if they cannot get it through the gentleman's formula, and that is my point.

Mr. DAVIS of Florida. Mr. Chairman, two responses. One is we should hold up a high standard of innovation, and second, we should expect, as we have in the past, common sense to be exercised by the Secretary of the Department of Education to assure that Massachusetts and other States understand what a high degree of autonomy means and it is used in a way that allows these schools to continue.

The second point I would like to make to conclude pertains to the cap. I think that there are valid concerns about how the Federal Government is affecting the ability of States to control quality with charter schools, because we know there are going to be mistakes, and we want to preserve the ability of States to move in a guarded fashion in terms of the growth of charter schools. But I think it is important to point out that the intent behind the bill is not in any way to discriminate against those States who have already embarked upon a charter school program.

So I believe there is some doubt that exists here today as to whether those States who no longer choose to grow because they are up against a cap are somehow disadvantaged by the fact that the money is set aside for those States without caps. But keep in mind the basic point that if a State is stopping to grow because of a cap, the chances it will need any additional money for start-up costs are going to be very, very limited.

So I am hopeful that as we more closely study this particular aspect of the debate we can reach some compromise in the Senate, some compromise in the conference committee to address the very valid concerns raised by the gentleman from Massachusetts [Mr. TIERNEY].

The CHAIRMAN. Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TIERNEY. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 288, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

AMENDMENT OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ:

Page 12, after line 11, insert the following: (L)(i) an assurance that the charter school that is a local educational agency or the local educational agency in which the charter school is located, as the case may be, will

comply with the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with respect to the provision of special education and related services to children with disabilities in charter schools; and

(ii) a description of how the charter school that is a local educational agency or the local educational agency in which the charter school is located, as the case may be, will ensure, consistent with such requirements, the receipt of special education and related services by children with disabilities in charter schools; and

Page 12, line 12, strike "(L)" and insert "(M)".

Mr. MARTINEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Chairman, back in 1975, Congress passed the bill IDEA. It was differently named then, but it encompasses the same bill that was recently just passed earlier, that guarantees a free and appropriate education for children with disabilities. That bill was a bicameral and bipartisan bill and passed overwhelmingly in both Houses and was signed by the President with great celebration.

If the premise is and was of that bill that children with disabilities should receive a free and appropriate public education, and in that case, I am concerned that we should be concerned in every education program that we have out there, or any kind of public school that we have out there, and charter schools are public schools, I think we need to ensure that concept in those charter schools.

This amendment is doing two things. One, it is ensuring that; and the other is that it is providing an advanced warning to charter schools and people who would start charter schools that there is an extra cost involved in teaching children with disabilities. Initially, that is the reason why children with disabilities were being denied free and appropriate education, because schools did not want to undertake the various difficulties in providing that free and appropriate education for these children with disabilities.

So I offer this amendment, and as I understand, the language has been worked out with the chairman of the committee, and the chairman of the committee is willing to accept the amendment with the language that we have worked out.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, at this point we have had numerous, sort of an ongoing discussion here. I think what the gentleman has prepared is very thoughtful and I think we have reached a good bipartisan compromise, and we are prepared to accept his amendment.

Mr. MARTINEZ. Mr. Chairman, reclaiming my time, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MARTINEZ].

The amendment was agreed to.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word to enter into a colloquy with the Chairman. Since the gentleman from California [Mr. RIGGS] is the prime sponsor of this legislation, I would like to engage in a colloquy for the purposes of establishing a legislative history on the matter which I speak.

My concern deals with language amending section 10306 regarding the Federal formula allocations to charter schools. I would ask the gentleman from California [Mr. RIGGS] if he could please clarify the intent behind the section.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I am happy to clarify the intent behind section 10306 in the bill.

Let me say that it is not our intent to create a disparity in funding or eligibility as to Federal categorical education funds, Federal taxpayer aid for public education between traditional public schools and charter schools within a local education agency.

Furthermore, it is not our intent to create a new formula-driven funding stream or program to charter schools, other than what they are currently eligible to receive under title I, part A of the Elementary and Secondary Education Act, and I hope this addresses the gentleman's concerns.

Mr. MARTINEZ. Mr. Chairman, I thank the gentleman for his clarifications.

AMENDMENT OFFERED BY MR. TIERNEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 260, not voting 9, as follows:

[Roll No. 610]

AYES—164

Abercrombie	Blagojevich	Conyers
Ackerman	Blumenauer	Costello
Allen	Bonior	Coyne
Andrews	Boswell	Cramer
Baesler	Boucher	Cummings
Baldacci	Brown (CA)	Danner
Barcia	Brown (OH)	DeFazio
Barrett (WI)	Campbell	DeGette
Becerra	Cardin	Delahunt
Bentsen	Clay	Dellums
Berry	Clayton	Deutsch
Bishop	Clement	Dicks

Dingell	Lewis (GA)	Rivers
Dixon	LoBiondo	Rodriguez
Doggett	Loftgren	Rothman
Dooley	Lowey	Roybal-Allard
Edwards	Luther	Rush
Engel	Maloney (NY)	Sabo
Eshoo	Manton	Sanchez
Etheridge	Markey	Sanders
Evans	Martinez	Sandlin
Farr	Matsui	Sawyer
Fazio	McCarthy (MO)	Schumer
Filner	McCarthy (NY)	Scott
Flake	McDermott	Serrano
Ford	McGovern	Shays
Frank (MA)	McKinney	Sherman
Frost	McNulty	Sisisky
Furse	Meehan	Skaggs
Green	Menendez	Skelton
Gutierrez	Millender-McDonald	Slaughter
Hastings (FL)	Miller (CA)	Spratt
Hefner	Minge	Stabenow
Hilliard	Mink	Stark
Hinchey	Moakley	Stokes
Hinojosa	Mollohan	Strickland
Hooley	Nadler	Stupak
Hoyer	Neal	Tanner
Jackson (IL)	Oberstar	Tauscher
Jackson-Lee (TX)	Oliver	Thompson
Jefferson	Ortiz	Tierney
Johnson (CT)	Owens	Torres
Johnson (WI)	Pallone	Towns
Kaptur	Pascarell	Turner
Kennedy (MA)	Paul	Velazquez
Kennedy (RI)	Payne	Vento
Kennelly	Pelosi	Visclosky
Kildee	Peterson (MN)	Waters
Kilpatrick	Pickett	Watt (NC)
Klecza	Pomeroy	Waxman
Kucinich	Poshard	Weygand
LaFalce	Price (NC)	Wise
Lampson	Rahall	Woolsey
Lantos	Rangel	Wynn
Levin	Reyes	

NOES—260

Davis (FL)	Hastings (WA)
Davis (IL)	Hayworth
Davis (VA)	Hefley
Deal	Herger
DeLauro	Hill
DeLay	Hilleary
Diaz-Balart	Hobson
Dickey	Hoekstra
Doolittle	Holden
Doyle	Horn
Dreier	Hostettler
Duncan	Houghton
Dunn	Hulshof
Ehlers	Hunter
Ehrlich	Hutchinson
Emerson	Hyde
English	Inglis
Ensign	Istook
Everett	Jenkins
Ewing	John
Fattah	Johnson, E. B.
Fawell	Jones
Foley	Kanjorski
Forbes	Kasich
Fossella	Kelly
Fowler	Kim
Fox	Kind (WI)
Franks (NJ)	King (NY)
Frelinghuysen	Kingston
Galleghy	Klink
Ganske	Klug
Gejdenson	Knollenberg
Gekas	Kolbe
Gephardt	LaHood
Gibbons	Largent
Gilchrest	Latham
Gillmor	LaTourette
Gilman	Lazio
Goode	Leach
Goodlatte	Lewis (CA)
Goodling	Lewis (KY)
Gordon	Linder
Goss	Lipinski
Graham	Livingston
Granger	Lucas
Greenwood	Maloney (CT)
Gutknecht	Manzullo
Hall (OH)	Mascara
Hall (TX)	McCollum
Hamilton	McCrery
Hansen	McDade
Harman	McHale
Hastert	McHugh

McInnis	Pryce (OH)	Snyder
McIntosh	Quinn	Solomon
McIntyre	Radanovich	Souder
McKeon	Ramstad	Spence
Meek	Redmond	Stearns
Metcalfe	Regula	Stenholm
Mica	Riggs	Stump
Miller (FL)	Roemer	Sununu
Moran (KS)	Rogan	Talent
Moran (VA)	Rogers	Tauzin
Morella	Rohrabacher	Taylor (MS)
Murtha	Ros-Lehtinen	Taylor (NC)
Myrick	Roukema	Thomas
Nethercutt	Royce	Thornberry
Neumann	Ryun	Thune
Ney	Salmon	Thurman
Northup	Sanford	Tiahrt
Norwood	Saxton	Trafficant
Nussle	Schaefer, Dan	Upton
Obey	Schaffer, Bob	Walsh
Oxley	Sensenbrenner	Wamp
Packard	Sessions	Watkins
Pappas	Shadegg	Watts (OK)
Parker	Shaw	Weldon (FL)
Pastor	Shimkus	Weldon (PA)
Paxon	Shuster	Weller
Pease	Skeen	Wexler
Peterson (PA)	Smith (MI)	White
Petri	Smith (NJ)	Whitfield
Pickering	Smith (OR)	Wicker
Pitts	Smith (TX)	Wolf
Pombo	Smith, Adam	Young (AK)
Porter	Smith, Linda	Young (FL)
Portman	Snowbarger	

NOT VOTING—9

Armey	Gonzalez	Scarborough
Cubin	Johnson, Sam	Schiff
Foglietta	Riley	Yates

□ 1400

Mrs. MEEK of Florida, Mrs. CHENOWETH, and Messrs. MURTHA, MASCARA, and HOLDEN changed their vote from "aye" to "no."

Ms. MCCARTHY of Missouri, Mrs. TAUSCHER, Mrs. KENNELLY of Connecticut, and Messrs. FLAKE, ROTHMAN, MINGE, SHAYS, CLAY, CONYERS, LOBIONDO, and LUTHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK. Mr. Chairman, I rise today in opposition to H.R. 2616, the Charter Schools Act of 1997. This program, begun as a Federal grant to provide seed funds for public charter schools just 3 years ago, is a waste of taxpayer funds, does nothing for the 90 percent of school children who are in public schools, and is a further drain upon the scant resources that our public school now have. As a former public school teacher, I believe in our public schools because our public schools work. What is truly needed is comprehensive, holistic school reform, not piecemeal, politically expedient solutions.

We all agree that our public schools need to be reformed. But we must first consider any and all changes to our charter schools as part of a comprehensive, complete review of all of our public school education programs. This review must take into consideration the fact that many of our Nation's public schools are in need of significant repair. The changes that this legislation proposes does little to improve upon the quality of not just public schools, but charter schools. There is woefully little strengthening of the oversight and accountability of our charter schools in H.R. 2616.

In the House Committee on Education and the Workforce report on H.R. 2616, "it was recently reported by the Michigan Department of Education that charter schools in its State posted substantially lower scores than other public schools on State assessment tests." If

charter schools in Michigan are not working better than the regular public schools, where is the investment in education of our taxpayer's dollars? It is ironic that while Congress has not approved legislation that will address our overcrowded and dilapidated schools, we want to expand charter schools.

In summary, I support the complete and comprehensive overhaul of our Nation's public schools. I cannot support initiatives designed to further siphon off the scarce resources for our Nation's public schools, and that is why I am voting against this bill on final passage.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GIBBONS] having assumed the chair, Mr. SNOWBARGER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, pursuant to House Resolution 288, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RIGGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 57, not voting 9, as follows:

[Roll No 611]

AYES—367

Ackerman	Barrett (NE)	Blagojevich
Aderholt	Barrett (WI)	Bliley
Allen	Bartlett	Blunt
Andrews	Barton	Boehlert
Archer	Bass	Boehner
Armey	Bateman	Bonilla
Bachus	Bentsen	Bono
Baesler	Bereuter	Borski
Baker	Berman	Boucher
Baldacci	Berry	Boyd
Ballenger	Bilbray	Brady
Barcia	Bilirakis	Brown (CA)
Barr	Bishop	Brown (FL)

Bryant	Hall (OH)	Moran (KS)
Bunning	Hall (TX)	Moran (VA)
Burr	Hamilton	Morella
Burton	Hansen	Murtha
Buyer	Harman	Myrick
Callahan	Hastert	Nadler
Calvert	Hastings (FL)	Nethercutt
Camp	Hastings (WA)	Neumann
Campbell	Hayworth	Ney
Canady	Hefner	Northup
Cardin	Herger	Norwood
Castle	Hill	Nussle
Chabot	Hilleary	Oberstar
Chambliss	Hobson	Obey
Christensen	Hoekstra	Ortiz
Clayton	Holden	Oxley
Clement	Hooley	Packard
Clyburn	Horn	Pallone
Coble	Houghton	Pappas
Coburn	Hoyer	Parker
Collins	Hulshof	Pascrell
Combest	Hunter	Pastor
Condit	Hutchinson	Paxon
Conyers	Inglis	Pease
Cook	Istook	Pelosi
Cooksey	Jackson (IL)	Peterson (MN)
Costello	Jackson-Lee	Peterson (PA)
Cox	(TX)	Petri
Cramer	Jefferson	Pickering
Crane	Jenkins	Pickett
Crapo	John	Pitts
Cummings	Johnson (CT)	Pombo
Cunningham	Johnson (WI)	Pomeroy
Danner	Johnson, E. B.	Porter
Davis (FL)	Johnson, Sam	Portman
Davis (VA)	Jones	Poshard
Deal	Kanjorski	Price (NC)
DeGette	Kaptur	Pryce (OH)
DeLauro	Kasich	Quinn
DeLay	Kelly	Radanovich
Dellums	Kennedy (RI)	Ramstad
Diaz-Balart	Kennelly	Rangel
Dickey	Kildee	Redmond
Dicks	Kim	Regula
Dixon	Kind (WI)	Riggs
Doggett	King (NY)	Rodriguez
Dooley	Kingston	Roemer
Doolittle	Klecza	Rogan
Doyle	Klug	Rogers
Dreier	Knollenberg	Rohrabacher
Duncan	Kolbe	Ros-Lehtinen
Dunn	LaFalce	Rothman
Edwards	LaHood	Roukema
Ehlers	Lampson	Royce
Ehrlich	Lantos	Ryun
Emerson	Largent	Sabo
Engel	Latham	Salmon
English	LaTourette	Sanchez
Ensign	Lazio	Sanders
Eshoo	Leach	Sandlin
Etheridge	Levin	Sanford
Evans	Lewis (CA)	Sawyer
Everett	Lewis (GA)	Saxton
Ewing	Lewis (KY)	Scarborough
Farr	Linder	Schaefer, Dan
Fattah	Lipinski	Schumer
Fawell	Livingston	Sensenbrenner
Fazio	LoBiondo	Serrano
Filner	Lofgren	Sessions
Flake	Lowey	Shadegg
Foglietta	Lucas	Shaw
Forbes	Luther	Shays
Ford	Maloney (CT)	Sherman
Fossella	Maloney (NY)	Shimkus
Fowler	Manton	Shuster
Fox	Mascara	Sisisky
Franks (NJ)	Matsui	Skaggs
Frelinghuysen	McCarthy (MO)	Skeen
Frost	McCarthy (NY)	Skelton
Furse	McCollum	Smith (MI)
Gallegly	McCrery	Smith (NJ)
Ganske	McDade	Smith (OR)
Gejdenson	McHale	Smith (TX)
Gekas	McHugh	Smith, Adam
Gephardt	McInnis	Smith, Linda
Gibbons	McIntosh	Snowbarger
Gilchrest	McIntyre	Snyder
Gillmor	McKeon	Solomon
Gilman	McKinney	Souder
Goodlatte	McNulty	Spence
Goodling	Menendez	Spratt
Gordon	Metcalf	Stark
Goss	Mica	Stearns
Graham	Millender	Stenholm
Granger	McDonald	Strickland
Green	Miller (CA)	Stump
Greenwood	Miller (FL)	Sununu
Gutierrez	Minge	Talent
Gutknecht	Mollohan	Tanner

Tauscher	Turner	Weller
Tauzin	Upton	Weygand
Taylor (MS)	Velazquez	White
Taylor (NC)	Visclosky	Whitfield
Thomas	Walsh	Wicker
Thornberry	Wamp	Wise
Thune	Watkins	Wolf
Thurman	Watts (OK)	Woolsey
Tiahrt	Waxman	Wynn
Towns	Weldon (FL)	Young (AK)
Traficant	Weldon (PA)	Young (FL)

NOES—57

Abercrombie	Hinchey	Paul
Becerra	Hinojosa	Payne
Blumenauer	Hostettler	Rahall
Bonior	Hyde	Reyes
Boswell	Kennedy (MA)	Rivers
Brown (OH)	Kilpatrick	Roybal-Allard
Cannon	Klink	Rush
Carson	Kucinich	Schaffer, Bob
Chenoweth	Manzullo	Scott
Clay	Markey	Slaughter
Coyne	Martinez	Stabenow
Davis (IL)	McDermott	Stokes
DeFazio	McGovern	Stupak
Delahunt	Meehan	Tierney
Deutsch	Meek	Torres
Dingell	Mink	Vento
Frank (MA)	Moakley	Waters
Goode	Neal	Watt (NC)
Hefley	Olver	Wexler

NOT VOTING—9

Cubin	Hilliard	Schiff
Foley	Owens	Thompson
Gonzalez	Riley	Yates

□ 1422

Mr. STOKES changed his vote from "aye" to "no."

Mr. NADLER and Mr. LoBIONDO changed their vote from "no" to "aye." So the bill was passed.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, on rollcall vote 611, I was unavoidably detained and did not vote. Had I been present, I would have voted "aye."

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. DOGGETT

Mr. DOGGETT. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. RIGGS

Mr. RIGGS. Madam Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore [Mrs. EMERSON]. The question is on the motion to table the motion to reconsider offered by the gentleman from California [Mr. RIGGS].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DOGGETT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 163, not voting 14, as follows:

[Roll No. 612]

AYES—256

Aderholt	Barton	Boehner
Archer	Bass	Bonilla
Armey	Bateman	Bono
Bachus	Bereuter	Boucher
Baesler	Berman	Boyd
Baker	Bilbray	Brady
Barcia	Bilirakis	Bryant
Barr	Bliley	Bunning
Barrett (NE)	Blunt	Burr
Bartlett	Boehlert	Burton

Buyer	Houghton	Petri
Callahan	Hulshof	Pickering
Calvert	Hunter	Pitts
Camp	Hutchinson	Pombo
Campbell	Hyde	Porter
Canady	Inglis	Portman
Cannon	Istook	Pryce (OH)
Castle	Jenkins	Quinn
Chabot	John	Rahall
Chambliss	Johnson (CT)	Ramstad
Chenoweth	Johnson (WI)	Redmond
Christensen	Johnson, Sam	Regula
Coble	Jones	Reyes
Coburn	Kanjorski	Riggs
Combest	Kasich	Roemer
Cook	Kelly	Rogan
Cooksey	Kim	Rogers
Cox	Kind (WI)	Rohrabacher
Cramer	King (NY)	Ros-Lehtinen
Crane	Kingston	Roukema
Crapo	Klug	Ryun
Cunningham	Knollenberg	Salmon
Davis (FL)	Kolbe	Sanford
Davis (VA)	LaHood	Saxton
Deal	Largent	Scarborough
DeGette	Latham	Schaefer, Dan
DeLay	LaTourette	Schaffer, Bob
Diaz-Balart	Lazio	Sensenbrenner
Dickey	Leach	Sessions
Doolittle	Lewis (CA)	Shadegg
Doyle	Lewis (KY)	Shaw
Dreier	Linder	Shays
Duncan	Lipinski	Shimkus
Dunn	Livingston	Shuster
Ehrlich	LoBiondo	Skeen
Emerson	Lucas	Smith (MI)
English	Luther	Smith (NJ)
Ensign	Manzullo	Smith (OR)
Everett	Martinez	Smith (TX)
Ewing	Mascara	Smith, Linda
Fawell	McCarthy (NY)	Snowbarger
Foley	McCollum	Solomon
Forbes	McCrery	Souder
Fossella	McDade	Spence
Fowler	McHale	Stearns
Fox	McHugh	Strickland
Franks (NJ)	McInnis	Stump
Frelinghuysen	McIntosh	Sununu
Gallely	McIntyre	Talent
Ganske	McKeon	Tauscher
Gekas	McKinney	Tauzin
Gibbons	Menendez	Taylor (MS)
Gilchrest	Metcalf	Taylor (NC)
Gillmor	Mica	Thomas
Gilman	Millender-	Thornberry
Goode	McDonald	Thune
Goodlatte	Miller (FL)	Tiahrt
Goodling	Minge	Trafficant
Goss	Moran (KS)	Turner
Graham	Moran (VA)	Upton
Granger	Morella	Walsh
Gutknecht	Murtha	Wamp
Hall (TX)	Myrick	Watkins
Hansen	Nethercutt	Watts (OK)
Hastert	Neumann	Waxman
Hastings (WA)	Northup	Weldon (FL)
Hayworth	Norwood	Weldon (PA)
Hefley	Nussle	Weller
Herger	Oxley	White
Hill	Packard	Whitfield
Hilleary	Pappas	Wicker
Hobson	Parker	Wise
Hoekstra	Paul	Wolf
Holden	Paxon	Young (AK)
Horn	Pease	Young (FL)
Hostettler	Peterson (PA)	

NOES—163

Abercrombie	Clay	Edwards
Ackerman	Clayton	Engel
Allen	Clement	Eshoo
Andrews	Clyburn	Etheridge
Baldacci	Condit	Evans
Ballenger	Conyers	Farr
Barrett (WI)	Costello	Fattah
Becerra	Coyne	Fazio
Bentsen	Cummings	Filner
Berry	Danner	Flake
Bishop	Davis (IL)	Ford
Blagojevich	DeFazio	Frank (MA)
Blumenauer	Delahunt	Frost
Bonior	DeLauro	Furse
Borski	Dellums	Gejdenson
Boswell	Deutsch	Gephardt
Brown (CA)	Dicks	Gordon
Brown (FL)	Dingell	Green
Brown (OH)	Dixon	Gutierrez
Cardin	Doggett	Hall (OH)
Carson	Dooley	Hamilton

Harman	McDermott	Sandlin
Hastings (FL)	McGovern	Sawyer
Hefner	McNulty	Schumer
Hilliard	Meehan	Scott
Hinchee	Meek	Serrano
Hinojosa	Miller (CA)	Sherman
Hooley	Mink	Sisisky
Hoyer	Moakley	Skaggs
Jackson (IL)	Mollohan	Skelton
Jackson-Lee	Nadler	Slaughter
(TX)	Neal	Smith, Adam
Jefferson	Oberstar	Snyder
Johnson, E. B.	Obey	Spratt
Kaptur	Olver	Stabenow
Kennedy (MA)	Ortiz	Stark
Kennedy (RI)	Owens	Stenholm
Kennelly	Pallone	Stokes
Kildee	Pastor	Stupak
Kilpatrick	Payne	Tanner
Klecza	Pelosi	Thompson
Kucinich	Peterson (MN)	Thurman
LaFalce	Pickett	Tierney
Lampson	Pomeroy	Torres
Lantos	Poshard	Towns
Levin	Price (NC)	Velazquez
Lewis (GA)	Rangel	Vento
Lofgren	Rivers	Visclosky
Lowey	Rodriguez	Waters
Maloney (CT)	Rothman	Watt (NC)
Maloney (NY)	Roybal-Allard	Wexler
Manton	Rush	Weygand
Markey	Sabo	Woolsey
Matsui	Sanchez	Wynn
McCarthy (MO)	Sanders	

NOT VOTING—14

Collins	Greenwood	Riley
Cubin	Klink	Royce
Ehlers	Ney	Schiff
Foglietta	Pascrell	Yates
Gonzalez	Radanovich	

□ 1442

Ms. DUNN changed her vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall No. 612, I was inadvertently detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 612, I was detained in an important meeting and could not reach the floor in time to vote. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. RIGGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2616, the bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2616, CHARTER SCHOOLS AMENDMENTS ACT OF 1997

Mr. RIGGS. Madam Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 2616 the Clerk be authorized to make such technical and conforming changes to the bill as will be necessary to correct such things as spelling, punctuation, cross-referencing and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OUR FOND FAREWELL TO THE GENTLEMAN FROM NEW YORK (MR. FLOYD FLAKE)

(Mr. QUINN asked and was given permission to address the House for 1 minute.)

Mr. QUINN. Madam Speaker, as we continue to deliberate this weekend, I ask my colleagues' indulgence to take a few moments of our time this afternoon to bid farewell to a Member of the body, a fellow New Yorker, and a dear friend to all of us here in the House. It seems this past week we welcomed the new Member from New York 13, and next week, after all of our work is finished and everything else has winded itself down, we will say goodbye, and the gentleman from New York [Mr. FLOYD FLAKE] will leave the Chamber to become a full-time pastor of the Allen A.M.E. Church in Queens, N.Y.

□ 1445

I thought it was fitting, and all of you I am sure will agree, that this afternoon we take a break to thank someone on behalf of all of us here and his constituents for almost 10.5 or 11 years of service here in the U.S. Congress, who has worked on numerous different projects that have benefited everybody, not only in his district but all of our districts and people all across this Nation and beyond.

For the 9,000 members of the Allen A.M.E. Church in Queens, NY, while FLOYD FLAKE is our loss, he is their gain. I hope you will join me in bidding farewell to Congressman FLOYD FLAKE this afternoon.

Madam Speaker, it gives me a great deal of pleasure to yield to the dean of the New York delegation, the gentleman from New York, Mr. GILMAN.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Speaker, I wanted to thank Mr. QUINN for arranging this time for us to pay tribute to an outstanding legislator, Rev. FLOYD FLAKE. We hope one day we will be calling him Bishop FLOYD FLAKE.

Mr. Speaker, it is with a great deal of regret that I know that many of us are here to bid good-bye to FLOYD, but also we are happy to pay tribute to a colleague who is going to be sorely missed, not only by this body, but by his New York constituents, by the congressional delegation of New York, by the American people.

FLOYD FLAKE has decided to leave us to devote full-time to his first vocation, service to God, but in many ways he has served his congregation superbly throughout his 11 years in the Congress by being a constant reminder of decency, of tolerance, and of the American way. He has been a great role model for many in his community.